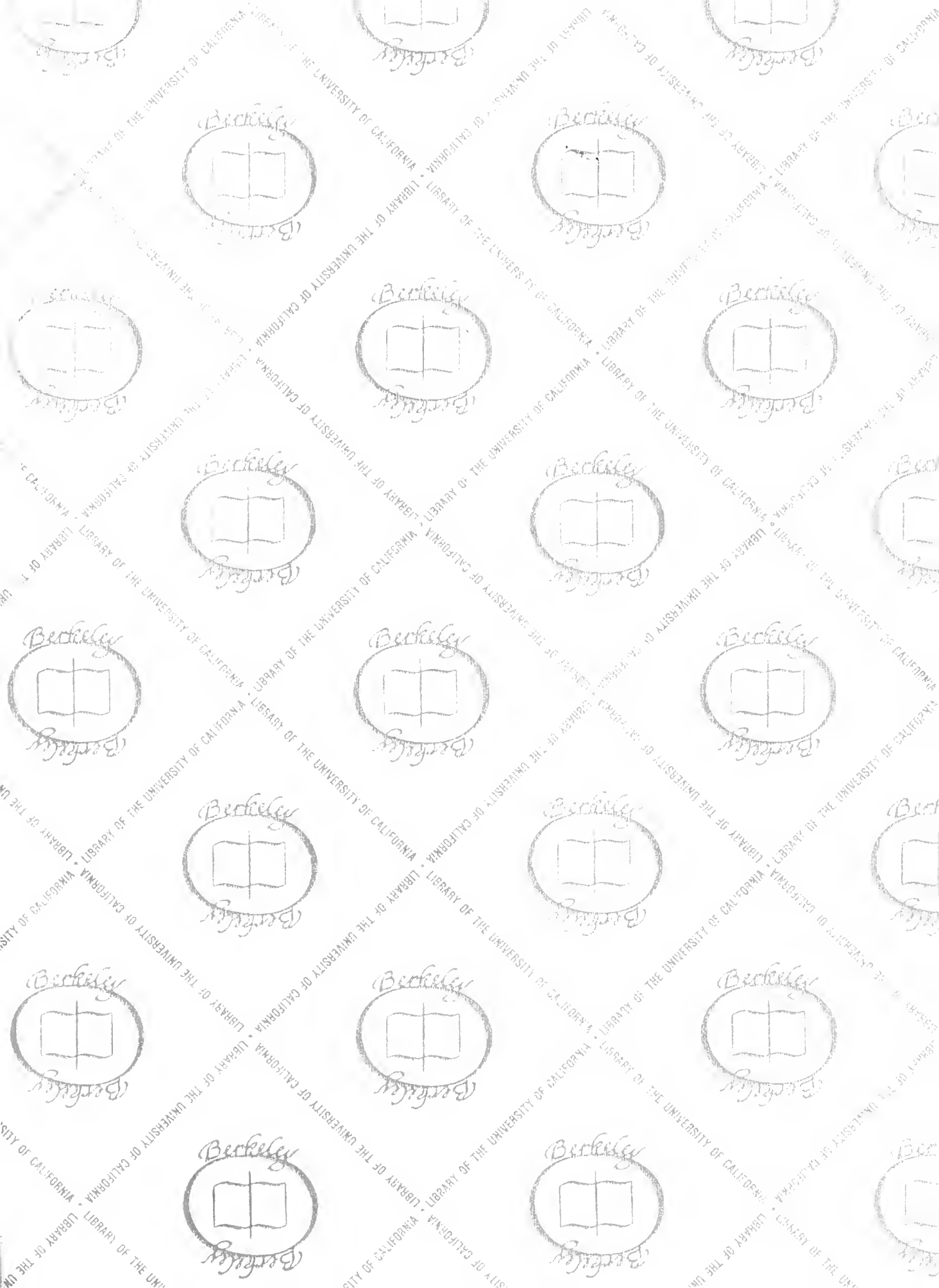


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Governmental History Documentation Project
Goodwin Knight/Edmund Brown, Sr., Era

PAT BROWN: FRIENDS AND CAMPAIGNERS

Nancy Sloss	Political Appointments and Personalities
Meredith Burch	Political Notes
Charles Guggenheim	The Use of Film in Political Campaigning
Judy Royer Carter	Pat Brown: The Governorship and After
Norman Elkington	From Adversary to Appointee: Fifty Years of Friendship with Pat Brown
Helen Nelson	The First Consumer Counsel in California

Interviews Conducted by
Amelia R. Fry, Eleanor Glaser, Julie Shearer
1977-1979

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PREFACE

Covering the years 1953 to 1966, the Goodwin Knight-Edmund G. "Pat" Brown, Sr., Oral History Series is the second phase of the Governmental History Documentation Project begun by the Regional Oral History Office in 1969. That year inaugurated the Earl Warren Era Oral History Project, which produced interviews with Earl Warren and other persons prominent in politics, criminal justice, government administration, and legislation during Warren's California era, 1925 to 1953.

The Knight-Brown series of interviews carries forward the earlier inquiry into the general topics of: the nature of the governor's office, its relationships with the legislature and with its own executive departments, biographical data about Governors Knight and Brown and other leaders of the period, and methods of coping with the rapid social and economic changes of the state. Key issues documented for 1953-1966 were: the rise and decline of the Democratic party, the impact of the California Water Plan, the upheaval of the Vietnam War escalation, the capital punishment controversy, election law changes, new political techniques forced by television and increased activism, reorganization of the executive branch, the growth of federal programs in California, and the rising awareness of minority groups. From a wider view across the twentieth century, the Knight-Brown period marks the final era of California's Progressive period, which was ushered in by Governor Hiram Johnson in 1910 and which provided for both parties the determining outlines of government organization and political strategy until 1966.

The Warren Era political files, which interviewers had developed cooperatively to provide a systematic background for questions, were updated by the staff to the year 1966 with only a handful of new topics added to the original ninety-one. An effort was made to record in greater detail those more significant events and trends by selecting key participants who represent diverse points of view. Most were queried on a limited number of topics with which they were personally connected; a few narrators who possessed unusual breadth of experience were asked to discuss a multiplicity of subjects. Although the time frame of the series ends at the November 1966 election, when possible the interviews trace events on through that date in order to provide a logical baseline for continuing study of succeeding administrations. Similarly, some narrators whose experience includes the Warren years were questioned on that earlier era as well as the Knight-Brown period.

The present series has been financed by grants from the California State Legislature through the California Heritage Preservation Commission and the office of the Secretary of State, and by some individual donations. Portions of several memoirs were funded partly by the California Women in Politics Project under a grant from the National Endowment for the Humanities, including a matching grant from the Rockefeller Foundation; the two projects were produced concurrently in this office, a joint effort made feasible by overlap of narrators, topics, and staff expertise.

The Regional Oral History Office was established to tape record autobiographical interviews with persons significant in the history of California and the West. The Office is under the administrative direction of James D. Hart, Director of The Bancroft Library, and Willa Baum, head of the Office.

Amelia R. Fry, Project Director
Gabrielle Morris, Project Coordinator

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GOODWIN KNIGHT-EDMUND BROWN, SR. ERA ORAL HISTORY PROJECT
(California, 1953-1966)

Interviews Completed and In Process, March 1982

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- Brown, Edmund G., Sr., "Pat", *Years of Growth, 1939-1966; Law Enforcement, Politics, and the Governor's Office*. 1982
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INTRODUCTION

As part of the Governmental History Documentation Project, Pat Brown: Friends and Campaigners contributes several informal portraits of political issues and campaigning in California from the 1940s through the 1960s. In addition, each interviewee in this volume brings a particularly personal perspective to the subject of Edmund G. "Pat" Brown, Sr., himself, as governor of California and campaigner. Nancy Sloss discusses the personalities of people who worked on several of Brown's campaigns, and the intricacies of her role as appointments secretary. Meredith Burch, who also worked with Sloss on appointments, focusses on the process of Brown's campaign organization. Charles Guggenheim's brief interview is a fascinating examination of the use of film in political campaigning, especially in Brown's 1966 drive for re-election to a third term. Judy Carter's session discusses the 1966 campaign from the perspective of southern California, as well as how the governor's Los Angeles office coped with the 1964 Watts riot. Norman Elkington takes time to talk about Brown's early days as a lawyer and district attorney for San Francisco, and campaigning for attorney general. Helen Nelson narrates the creation and development of the Office of Consumer Counsel as the fulfillment of a campaign promise Pat Brown made in 1958.

Beyond the explicit recounting of details of Pat Brown's campaigns and administrations in these oral histories are clues to the complex personal relationships and interworkings of California politics which these interviewees represent. Readers of this volume will be interested to see Brown's own perspectives on all of these issues in his own interview conducted by several members of the Regional Oral History Office, also published in 1982, Years of Growth, 1939-1966; Law Enforcement, Politics, and the Governor's Office.

Sarah Sharp
Interviewer/Editor

26 May 1982
Regional Oral History Office
Room 486 The Bancroft Library
University of California at Berkeley

Regional Oral History Office
The Bancroft Library

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Berkeley, California

Governmental History Documentation Project
Goodwin Knight/Edmund Brown, Sr., Era

Nancy Sloss

POLITICAL APPOINTMENTS AND PERSONALITIES

An Interview Conducted by
Eleanor Glaser
in 1977

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INTERVIEW HISTORY

This short interview with Nancy Sloss was held in Washington, D.C. late in the afternoon of a sunny April day in 1977, when the city was adorned by masses of azalea blossoms. It was Friday and most other personnel had already left the small Guggenheim Productions building, which is located on a quiet side street in bustling Georgetown. Charles Guggenheim's firm produces campaign material, TV shorts, etc., for political candidates, and his TV film was used in Governor Brown's 1966 campaign. An interview with Charles Guggenheim was recorded for this series.

Miss Sloss is a friendly, no-nonsense woman, termed by Elizabeth Gatov in her oral history as "the most competent woman I know." She had worked in her native San Francisco on Pat Brown's first gubernatorial campaign in 1958. In 1960 she joined the governor's staff, first taking charge of political correspondence and later assisting the travel secretary. After a leave of absence to work on President Lyndon Johnson's 1964 campaign, Miss Sloss returned to Sacramento as the governor's appointments secretary.

This position brought her in close contact with Brown: "It was a very one-to-one relationship," Nancy Sloss stated. They remain friends to this day, getting together for dinner when the governor is in Washington. Miss Sloss has also kept in touch with others from the governor's staff who now work in the nation's capital.

Originally Miss Sloss was interviewed to obtain background material on the Brown administration. She was asked to make suggestions about who should be interviewed and what questions should be asked. She was very helpful, not only in her frank comments, but also in supplying telephone numbers and addresses of former staff members. The interview was so interesting and informative that it was decided to include it in this volume on Governor Brown's office operations.

Upon reviewing the edited manuscript, Miss Sloss requested further deletions since her remarks were not at first intended for publication. The manuscript was re-edited to reflect Miss Sloss's thoughtful appraisal of personalities and issues.

Interested readers may see Appendix for list of campaign material which Miss Sloss donated to The Bancroft Library to supplement her interview.

Eleanor K. Glaser
Interviewer-Editor

30 June 1980
Regional Oral History Office
486 The Bancroft Library
University of California at Berkeley

I THE APPOINTMENT PROCESS

[Interview April 22, 1977]##

- Glaser: We understand from Roger Kent that you were part of the "212 Gang,"* and then Pat Brown's appointments secretary.
- Sloss: I can explain to you a little bit about what I did and how I got there if that's useful to you. I can give you names of people who'd be helpful, to expand on who you should talk to. I've got some ideas on that too.
- I went through my memorabilia and I am an absolute non-saver of the worst kind. But I did bring some things, it's sitting out in my car. I have so little that I'm very reluctant to give anything away, but anything you think is useful I certainly would give to you. I could kick myself that I didn't save anything--very, very little.
- Glaser: You don't know while it's going on that it's history.
- Sloss: I've never had a very good sense of history.
- Glaser: You come from a famous family, don't you?
- Sloss: I don't know if it's famous or not, but it's certainly an early California family.
- Glaser: The Alaska Commercial Company.

*The San Francisco office at 212 Sutter Street, shared by the Democratic State Central Committee and the California Democratic Council.

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 21.

Sloss: My grandparents were all born in California. Maybe that's why I don't pay any attention to it, because I've grown up with that. And also when you come into the East, people do not think that the 1840s is very early. As far as being a pioneer here, it's not early at all.

The first time I worked for Pat Brown was in the 1958 campaign when he first ran for governor, although I'm sure he would not know it. I was hired in the Northern California office and I was about the lowest level that you could be—I ran the mimeograph, I recruited volunteers, supervised volunteers, got out mailings, and did a little bit of everything.

That was an interesting campaign in that it was the last campaign I know of in California that was run from Northern California. And that was the last time the money and political activists were all in the north. In the south was this little subheadquarters that we had in Los Angeles, and it was never like that again.

It was also the last campaign I was in that had a small staff. I don't think we had more than ten people. Fred Dutton was running the state-wide campaign out of that office and he had maybe a staff of three. There were three or four of us, including the person who answered the telephone, who were the so-called Northern California campaign staff. But it all got merged together into one operation.

After that campaign was over I was asked to go on the governor's staff in Sacramento and I refused. It's very hard now to realize why. Two years later I was asked again and went. The reason I was asked two years later is primarily because they'd gotten through the first legislative session and were beginning to become concerned about the fact that there were no political people on the staff--there were very, very bright lawyers and good newspapermen. They were beginning to notice the effect of the fact that correspondence from county chairmen and other politicals was shoved aside because people didn't really know who they were; they'd been so busy on the issues.

So they hired two people, one from Northern California and one from Southern California. I started out just working on correspondence, giving more attention to political types. Then very shortly after that I became part of the scheduling department. I worked with the travel secretary in deciding what invitations were accepted, where the governor went, and working out the mechanics of how he got there.

Glaser: Who was that person?

Sloss: I think the travel secretary at that time was John Vasconcellos. He was just leaving as travel secretary at that point. He's now a state assemblyman. Another was Richard Kline. He is in Washington. There's a lot of us here. There really are. I'm sure Jack Burby is a name that's been given to you. If it isn't, it certainly should have been. He was the governor's press secretary from at least 1960, which is when I went up there. Fred Dutton was the first executive secretary. Then Hale Champion was executive secretary and Jack Burby was the press secretary.

So I did all the schedules. Then I began to take more and more responsibility for that. I worked briefly on the Lyndon Johnson campaign in California in '64. In '65 I became what is called the appointments secretary, which means appointments to boards and commissions, sometimes known as patronage. I did all the screening of applicants and to a certain extent made recommendations, but certainly not on things like judgeships. It was more of a clerical task, to let the governor know which groups were supporting this person or that person and submitting names to the bar. But he really made the choices.

Glaser: How did you accumulate your information?

Sloss: If you just sat still and never moved you would have been inundated with people who were trying to find jobs for themselves or for their friends. But we also, through other members of the staff and through whatever contacts one had, aggressively looked for people who were qualified. Not so much positions like the fair board appointments, for example: there's a fair board in every county; there may be as many as eighteen members on each one of the fair boards. That's a lot of bulk, a lot of people, and there aren't any specific qualifications for fair boards. So that's sort of at a lower level. But if you get up to the judicial appointments or the board of education or things like that, we would go after people. We also tried to accumulate minority appointments and to a certain extent women, although that was not a big issue at that time.

So it's a combination of who you know and who you can talk to and then trying to filter out the stuff that came at you. You'd have big campaigns; we'd get a hundred letters for one person. You could learn very quickly it was kind of an organized campaign. The legislators had opinions about persons. You just sorted through it all, tried to make some sort of sense out of it, tried to get other recommendations, and tried to figure out what their qualifications were.

Glaser: Did you personally feel pressure?

Sloss: Yes. I like pressure and I am not terribly easily swayed by pressure. But, yes, there is a lot of pressure and people did try to take you out to lunch and things like that. I guess I was in a sense constitutionally very well prepared for that job. I just never accepted things. I just never occurred to me that I wanted to, so I never felt very torn.

The governor got a lot of pressure directly. I did get a lot of pressure. I have a letter, which I will show you, in my scrap-book that was written to me by a man who had called me up and gave me a haircut about "I don't understand why you don't appoint so-and-so, he's an obvious choice, he's been selected by our state senator, and why wouldn't you do what our state senator did?"

I said, "Now, wait a minute. The state senator wants this guy, the assemblyman wants this other guy, the organization of environmental groups wants this other guy, and the real estate people want this other guy, and it's not simple."

He said, "Oh, I'm so sorry I called you." Then he wrote me this terribly clever letter about all the pressures I must be under, a very charming letter which I always treasured because he was the only person who was ever sympathetic. [Laughter] But there was a lot of pressure and it never bothered me very much.

Glaser: Toward the end of Governor Brown's last term of office, was there a feeling that he had lost power because with each appointment he had made enemies of those who didn't get the appointment, so that these people tended to work against him?

Sloss: Well, I think the story is certainly true that you don't really make friends when you make appointments, and I'm sure that the appointments were more important than positions that he'd taken on hundreds and hundreds of issues. But I think it probably contributed in some way to that. I'm sure there were many, many appointments that people thought showed he didn't have good judgment, or whatever.

Glaser: Toward the end of the second administration he made a lot of judicial appointments for Southern California. Were you in on that?

Sloss: Yes. There were two things that were happening at once. During the campaign, as I recall, at a certain point Governor Brown stopped making judicial appointments because he felt he didn't want to be accused of being political. He didn't even want to allow himself to make appointments, particularly the judicial appointments, that are made because they would help in the campaign. So he just didn't make any appointments, probably from the summer on, but I don't remember exactly when he stopped.

JOHN BOIT MORSE
PEBBLE BEACH
CALIFORNIA

March 3

Personal

Dear Mrs Sloss:

I've never talked to an appointments secretary before.

It occurs to me that you may well have the worst job in the world. From a sociological point of view, perhaps the most fascinating. I daresay that you are no stranger to cunning, self-seeking, chicanery, fraud, collusion, threat and good old-fashion bilky, hornswoggling flimflam.

Our situation here is simple. The party has only one proven ^{local} asset to wit: Senator Farr and his considerable and devoted following.

You have, my dear Mrs Sloss, my deepest sympathies.

Bless,

Jack Morse

Sloss: In addition to that, the legislature had established a number of new judicial districts. So when the campaign was over in November we had an enormous backlog of unappointed and brand new districts.

Glaser: This is November '66 you're talking about when he was defeated by Reagan?

Sloss: Yes. In November '66 almost everybody on the staff began to move out into other jobs because there was no new legislative program, there was very little speech or press work or any of that.

I really worked terribly, terribly hard through November and into December. I don't remember--I used to know--how many hundreds of judicial appointments we made. A lot of times the Governor took a municipal court judge and elevated him to a superior court vacancy. So then we had the municipal court vacancy. So it was more than the original vacancies as people began to be moved around. It was all through a period when other staff were leaving or involved in the transition with the Reagan people, but the appointments section was working up to the last minute. Other members of the staff came and helped also because we had so much to do. We tried to fill all the judicial appointments before the Governor left, and I think we did.

Glaser: Was there anything political in this, insofar as it occurred at this particular time--aside from the population increase?

Sloss: You mean that there were so many vacancies?

Glaser: Right, in that he appointed them at this particular time after losing the election.

Sloss: It was the combination of holding off in the last months of the campaign because he felt that would be too political. So that was a political decision at that time. He did not want to be making judicial appointments in the heat of the campaign and so they were postponed. Does that answer the question?

Glaser: Yes. Which do you think were Governor Brown's most important appointments and which do you think were the ones that caused him the most trouble?

Sloss: I think the judicial and the state board of education and regents are probably the most important appointments that he made. They're also the ones that I had the least to do with.

He got into terrible problems over supervisorial appointments. It's a terrible appointment. I don't know if it's right for the governor to appoint, but supervisors are elected unless there is a death or a vacancy in midterm and then it is up to the governor to

Sloss: appoint. Because those are usually hotly-contested political races, it was very, very clear that he could never do the right thing.

Glaser: Are you talking about the county supervisors? Is this a function of the governor?

Sloss: Only the event of a vacancy and then they have to run in the next election. It's not very well known because it doesn't happen very often. But we had about five or six of them that I remember vividly in the time I was there, and they were all horrors. The pressure was terrible and the choices were difficult. Whether those got him into serious trouble or not, they caused trouble at the time and left some ill feelings.

One of them was in Alpine County and there probably were not more than fifty Democrats in Alpine County, so it shouldn't have been that big an issue. Also I remember there was a vacancy in San Mateo County. There were several candidates, each one with vigorous supporters. One was a sports figure whose supporter said he could win the election because he was well known. The organized Democrats supported someone else because he had been active in the party. The person he appointed subsequently lost the election to the Republican, so no one was happy.

I don't know how significant they were, frankly. There were other appointments which obviously got him into hot water, but I don't remember what they were. They seemed to blow over. There were many appointments that made people mad at the time. I can remember legislators getting mad at us for appointments of people who had opposed them politically, particularly in a judicial area, when I think the governor tried very hard to make appointments on merit without political consideration. So he ran into political difficulties.

Glaser: Were you involved with the appointment when Swede Nelson left as director of natural resources and was replaced by Ian Campbell? Was this perhaps before you--

Sloss: It could have been before my time. Swede Nelson is a very familiar name, but I think Hugo Fisher was the head of the natural resources at the time I was there. He is a former state senator who was defeated and was appointed, I think, before my tenure. But an appointment like that I would have practically nothing to do with. That was a higher-level appointment--my input was modest. And that being an administrative job, the campaign was not waged in a normal way. So I don't remember Ian Campbell at all.

Glaser: Who was involved with Fisher's appointment--you said that was a higher level than yours--the executive secretary?

Sloss: He might have been, but basically I would say that the Governor sort of knew who he wanted.

Glaser: He didn't need too much input?

Sloss: Well, I don't know. I'm sure that the executive secretary or Hale Champion in the Department of Finance--who I think continued to be an adviser of the governor even after he was executive secretary--discussed it with him. And I'm sure other people discussed it with him too. But it was not advice that I gave him on that kind of an appointment because the candidates were people who were well known to him already. So he didn't really need to know who supported or who didn't support them.

Glaser: When somebody like Stanley Mosk was appointed justice of the State Supreme Court, this was a little higher level than that which you dealt with?

Sloss: I would deal with it on a technical basis in terms of the papers and submitting it to the bar. But Stanley Mosk was someone the governor knew very, very well, and I assume, for many reasons was determined to make him a judge. And he certainly didn't ask my opinion about whether that was a good appointment. He may not have asked anybody's opinion, I don't honestly know, but that was not a level at which I brought him candidates because he knew the candidates.

There might be municipal judgeships where I would go to him and say, "Look, Jack Smith has got all this support and the two assemblymen want him and the state bar says he is well qualified and somebody else has called about him. On the other hand, there's this other man--" If they were people he didn't know already, most probably, he would interview them and I would set up the interviews for him. But when it came to people that he knew personally, he didn't ask my opinion, and in the very high-level positions they were largely people he knew already.

Glaser: Even knowing these people, would he have been likely to discuss this with others? I understand he was a man who often turned to others for their reactions.

Sloss: I think on judicial appointments he talked to the chief justice and other experienced judges and lawyers and asked their evaluations and suggestions. On other appointments he might talk to the head of the relevant state board or somebody like that; someone I didn't know but he knew directly. He probably would not turn to his staff on

Sloss: on judicial appointments if they weren't judges or lawyers. He was sort of interested, for instance, in asking a sitting judge, "Well, you had this lawyer come before you, what did you think of him as a practicing attorney?" That kind of an opinion. But only he would know.

Other appointments, such as the department heads that you were talking about before, he would have talked to Hale or Fred Dutton or Winslow Christian or whoever, and also people out in the real world who were related to that area. He knew so many people, and he certainly was not reluctant to pick up the phone and ask people questions and consult with them. But I frankly didn't have any input on that. I didn't know more than he did about it.

Glaser: You make this sound like a very personal involvement on his part.

Sloss: I think it was.

Glaser: Then he pretty much knew ahead of time who he would appoint?

Sloss: Well, I think sometimes, for instance, there would be an attorney or a young judge that he knew for some reason. So in the back of his mind he'd think, "Now that was a very impressive guy." Then a vacancy would come in the district and he'd say to me, "Nancy, you find out about Joe Smith. See what so-and-so and so-and-so think about him." But there were a lot of appointments where he didn't know ahead of time. A lot of people had access to the governor, met with the governor and would go in and lobby him. I'm sure that financial contributors, legislators and political leaders talked to him about appointments--people like Eugene Wyman, who he was fairly close to, and Roger Kent and Libby [Smith Gatov] and Alan Cranston or Stanley Mosk when he was attorney general. They wouldn't go through me; they would pick up the phone and call him directly. People would only go through me if they didn't have direct access to the governor.

Glaser: You took over from May Layne? Is that right?

Sloss: May Layne Bonnell was her name when she was there, and she has since married again.

Glaser: I think it is Davis now.

Sloss: She was Mrs. Brown's sister.

II WHO WAS WHO IN THE EDMUND G. BROWN ADMINISTRATION

Glaser: Why don't I give you this list, and in addition to giving me your reactions as to who is important, you might give some idea of questions to ask.

Sloss: [Examining list] Arthur Alarcon was the executive secretary for a relatively short period of time, so whatever was going on in that period he would know about. See Don Bradley for the campaigns; I think he has terrific memory. He was involved in '62 and '66. Ralph Brody, of course, particularly about the water project. That was a very controversial issue and I think the Governor took a lot of knocks over that, and Brody would really know a lot.

Glaser: Did you have any appointments to make after that was signed into law?

Sloss: There must have been water boards. For that kind of appointments probably we would have taken recommendations from people like Ralph. I honestly don't remember. There's a lot I don't remember.

Hale Champion is now with the Department of Health, Education, and Welfare. He was hired as the first press secretary; he was only very peripherally involved in the 1958 campaign. But he was the first press secretary and then he became the executive secretary and then he became the director of finance. I think, in terms of the gubernatorial years, he was close to Pat Brown and there was a continuity about it. He was there the whole time even though he was in different positions. So anything to do with the gubernatorial years, Hale would be fantastic.

Glaser: He was closer than Dutton?

Sloss: No, but Dutton left in 1960 and came to Washington, so Hale provides that continuity. Fred came in before the '58 campaign, and went from the campaign into the governor's office, and was tremendously close.

STATE OF CALIFORNIA

EXECUTIVE DEPARTMENT

Know All Men By These Presents:

That I, EDMUND G. BROWN, Governor of the State of California,
do hereby appoint

Nancy Sloss
Assistant to the Governor

In Witness Whereof, I have hereunto set my hand and caused the
Great Seal of the State to be affixed at Sacramento, this *first*
day of *March* nineteen hundred and *sixty five*



Edmund G. Brown
Governor of the State of California

By the Governor

Frederick M. ...

Secretary of State

Sloss: Winslow Christian was the last executive secretary. He was a judge in a small Northern county, very active politically, and was brought in as the first chief of the Health and Welfare agency and then moved over to become the executive secretary. He lasted to the end.

Warren Christopher has just come to Washington. He's the number two guy in the State Department, appointed by President Carter--just appointed. Chris would be particularly good, if you could get to him, for the early years.

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Sloss: Warren Christopher and Bill Coblentz were recruited by Fred Dutton in the '58 campaign to develop issues, position papers, and research of that kind. They both went into the governor's office and helped develop that first legislative program in 1959, which was a very full and successful program. Then after that first year or two years they left and went back--Chris to Southern California and Bill to Northern California. They were both lawyers and they went into law practice. I think they remained in touch. They would be someone the governor might call from time to time, but they were off the staff. The key issues to talk to them about are the development of the first legislative program--the issues that they focused on and how they lobbied it through--because they were responsible for that whole thing.

Ed Constantini teaches at Davis now and he worked on the middle campaign, the '62 campaign, and then was sort of an education specialist--not terribly long, as I recall.

[U.S. Senator] Alan Cranston would be terrific. I don't know how the founding of the California Democratic Council comes into this whole picture. That's sort of a separate issue in a sense. But if you're covering the Democratic party's evolution that would be important and Alan can certainly talk about the CDC.

Glaser: It's almost like a renaissance.

Sloss: It was a renaissance that has subsequently disappeared. Cranston was elected with Pat Brown in '58 as part of the ticket and went out with him as one of the tickets too as controllers. I think that Alan has been deeply involved in Democratic politics all of his life in California. So anything about the political history and political background of the Democratic party in California, Alan would be terrific. As controller he had his own responsibilities and his own job and was not heavily involved with what we did in the governor's office. But he was a person who did come and bring to our attention people for appointments, for instance. But I would say he would be good on the evolution of the political party, the leadership of the political party, and various campaigns and that kind of thing.

- Glaser: Would he have had anything to do with what went on when Clair Engle was so ill and unwilling to give up his Senate seat?
- Sloss: I honestly do not know the answer to that. But Libby Smith Gatov, Don Bradley, and Roger would be three people who were very, very close to Engle and would be able to tell you about that. And if you talk to Bradley, that's something that I would raise with Don, along with George Miller.
- Glaser: I wanted to ask you about the relationship between Alan Cranston and [then Speaker of the Assembly] Jesse Unruh.
- Sloss: Not too good. I would say that Alan represented the sort of CDC and the kind of liberal, intellectual, issues-oriented part of the party, and Jesse represented the hard-headed practical politician. I think they probably did not have a good relationship. I would assume that was true. I don't remember the details of any big blow-ups. At one point Jesse offered a bill that was seen as harmful to the CDC (I don't even remember the specific anymore), and everybody was up in arms about it. Jesse is another interesting person and would present another view, I think, that would be interesting.

Adrienne Sausset, who was his personal secretary--

- Glaser: She's deceased.
- Sloss: Adrienne was his secretary before Pat Brown became governor and came with him to Sacramento as his personal secretary. Maryalice Lemmon is the one who sat out in front and handled the people who were waiting to see the governor and kept his appointment book. Adrienne also knew all of his old friends, so a lot of that sort of personal contact with old friends was handled by Adrienne. Eve Estoja, because she worked for Adrienne (she was kind of an assistant to Adrienne), would know something about his personal friends and things like that.

Cecil Poole, an interesting guy. Again, he was part of that first group that went to work for the governor in 1959.

Tom Rees has left the Congress. He's no longer a Congressman. He may be back in L.A. He'd be an interesting guy. I think he fought with the governor sometimes and helped the governor; he would have an objective view about the governor and his relationship to the legislators of his own party.

Tom Saunders was the other name that I was thinking of because he's someone I worked with in the 1958 campaign, and he would remember that '58 campaign. He'd have a lot of details on that campaign. He did the putting together of events and things like that. But in '58 he was in the campaign.

Sloss: Pat Sikes works with the PG&E in San Francisco. I don't have her business phone number. She lives in Tiburon, 28 Marinaro Circle. She was a speech writer and researcher for the governor. I bet she's saved a lot of stuff and would have a very good memory of the period she was there, which was probably roughly '60 to '66.

Jack Tomlinson was a young man who worked in the Department of Finance and is now an attorney in San Francisco. He would have some knowledge--after '60.

Louise Ringwalt is a good friend who works for Senator Cranston now and who worked with Roger Kent--as administrative assistant, secretary, at 212 Sutter. She came into the '66 Brown campaign. She was probably with Clair Engle in the '58 campaign. She came back and worked for Libby when Libby Gatov was appointed treasurer of the United States. Libby hired Louise as her personal assistant. If you wanted to ask her about seeing Cranston, she is actually on the staff of his Senate health sub-committee. She knows the people around there. I know her better than anyone else on the senator's staff, although I also know his press secretary.

Glaser: There's somebody else who was mentioned to me just today, Meredith Burch.

Sloss: She works right here.

Glaser: How knowledgeable is she?

Sloss: Extremely. I would say that Meredith's knowledge is largely during the period of Fred Dutton's, from the beginning of the 1958 campaign. Meredith was an assistant to Fred. When Fred left the governor's office in 1960 and came to Washington to work for John Kennedy, Meredith went with him, worked with him while he was in the White House and then in the State Department. In 1966, when after the primary Fred came back into that campaign with him.

Meredith is as knowledgeable as I am. Her title in the governor's office was as special assistant to Fred, I think, but she worked on appointments as well as other things during 1959 and 1960. But for the 1958 campaign and for the first two years in the governor's office, she'd be terrific. She knows better than I people like Warren Christopher, Billy Coblentz, and Alex Pope (whose name is not on here) because they were part of that '58 to '60 group that I am not part of. I didn't come to the governor's office until 1961, after Meredith had left. They lost in Meredith a good political head. And they needed someone for that. Fred and everyone who had been in the campaign were gone.

Sloss: I think Dick Tuck would be a very important person. I think he would bring a dimension that you're not going to get from anybody else--an insight into Pat Brown, an insight perhaps into Fred Dutton, the 1958 campaign, the early Sacramento years. Dutton had some interesting insights into Pat Brown.

III A WORKING VIEW OF GOVERNOR BROWN

Sloss: Stylistically the Governor and Fred are quite different, because Pat Brown is not an incisive intellectual. He has good instincts and he stirs around and sort of finds the right way, while Fred has such a sharp, clear mind and, I think, sees things more keenly.

Here is my memorabilia. As I say, you can have anything you want. That is not terribly interesting and I kept it only because it happened to be about me. It is a piece that was written by some social secretary and you can have it. [Hands over clipping from San Francisco Examiner] It's very superficial. She wrote this sort of trash because I had nothing to say, so she tried to force me to say things about my personal--I was just a boring person to interview. [Break in tape]

Glaser: Did you tell me that nobody remembers you in the '58 campaign?
[Laughter]

Sloss: I don't think people remember me in the '58 campaign because I was a very low-level operator. Fred Dutton would remember me from the '58 campaign, but the governor would not have known that I was alive in 1958. I think if you asked him he would probably say that I wasn't in the '58 campaign, because he didn't know me until I came to Sacramento. That wasn't until '61.

When I first came to Sacramento, when May Bonnell was the appointment secretary and I was working on the schedule and invitations, I had absolutely no contact with the governor. I made a lot of decisions but the travel secretary would go in and say, "Well, Governor, you have these four choices and we recommend you go here and here," and the governor would say yes or no. I was scared of the governor at that point. Dick Kline was the travel secretary, and he'd say, "You go in and talk to him about it, Nancy. You know more about it than I do. You're the one who talked to the people. You've seen the invitations. Why should I go in and discuss it?"

The Governor's 'Talent Scout'

By MILDRED SCHROEDER

Nancy Sloss, tanned soft-spoken brunette and third generation member of a prominent San Francisco Republican family, holds one of the most sensitive state jobs in California—as a Democrat.

She is appointments secretary to Gov. Brown—"or something of a talent scout," she described the latest phase of her career in state government.

In San Francisco to assist with planning the 13 Western State Democratic

Conference scheduled July 16, 17 and 18, Miss Sloss—who will be one of the guests of honor at the July 16 luncheon for "Distinguished Western Ladies"—paused to talk about her high-ranking "but lonely sort of job."

She must recruit and screen the thousands of candidates for the appointments the Governor makes to 225 boards and commissions, to various state agency staffs, as replacements for resigning or retiring judges, and to fill

interim openings on boards of supervisors in 55 counties.

"The appointments the Governor makes set the tone of the state government," Miss Sloss pointed out. The responsibilities of sifting through the applications, resisting the strong pressures of special interests while maintaining broad contacts in the state weigh heavily on her slender shoulders.

In the past six months 340 appointments—from a judge of the District Court of Appeals to a supervisor of tiny Alpine County—have been made, and at any moment she is working on at least 50 important openings.

She tries, not always successfully, to park her problems on her desk in the office across the hall from the Governor when she ends her normal 10-hour day to walk the five blocks back to her Sacramento apartment with pool.

"I try to have enough activities so I won't take my job home," the Stanford psychology graduate admitted. A popular hostess, the young state official frequently has friends in for dinner and bridge and during the warm Sac-

she had been a volunteer worker in the 1956 Stevenson campaign, held the "general maid of all work" job in Gov. Brown's 1958 campaign, moved on to the Democratic headquarters, and to the governor's office in 1961.

A variety of earlier posts—interviewer for the San Francisco Volunteer Bureau, helping two KQED auctions, working for child care centers, the alcoholic clinic—gave her a broad background in personnel.

Then she had two hectic years working on the Governor's invitations and scheduling, six months as assistant to the Governor's legislative secretary, was administrative assistant to the Health and Welfare Agency Administrator, back to the Governor's office as assistant to Executive Secretary Winslow Christian, and since March 1 in her own delicate and difficult office.

"I can't imagine a better career for a woman than government, particularly state government, and I adore working for the Governor," she beamed. But her job is also one of those appointive posts, and what happens when there's a new governor? "I don't want to look beyond this job."



—Examiner Photo by Seymour Sneed.

NANCY SLOSS
"Sensitive" secretary

ramento summer evenings entertains with deck barbecues. Easy access to ski slopes offers a winter escape hatch.

Her own state job really started when at 21 she registered as a Democrat. "Both of my brothers are also Democrats," she paused, and smiled, "and now Mother has changed her registration to join us."

Miss Sloss, who wore a camel knit suit with ivory knit blouse, explained that

Sloss: I said, "Oh, no, I don't want to go in and talk to the governor," and I wouldn't do it. Two years later (if it was two years; I've forgotten and I'd have to go back and look), Winslow Christian was the executive secretary and he encouraged me to take the appointment secretary job. May was being appointed to the personnel board and he encouraged me to take May's job. I was terrified and I didn't think I could do it, and he said, "Nancy, you're always saying that you can't do it. Of course you can do it."

The governor—I was just a person he saw in the hall then, and I don't know how much he really knew about what I was doing. He was always very warm and "hello there," but I don't think he even knew my name. On the other hand, the appointments job was a very personal job and we developed a close relationship because it wasn't something where you sat at meetings and a lot of people threw ideas around. It was a very one-to-one situation. Because his first appointments secretary had been someone he already knew, a member of the family, he was used to having that kind of relationship. We often used to do business over breakfast. He used to invite me to the mansion. I'd say, "Oh, you've got to make these decisions, the deadline's coming up." He was busy during the day.

He'd say, "Come over for breakfast and we'll talk about it at breakfast." That's really how we became friends, because if you sit and have breakfast with someone you always get sidelights and little subtleties--and we did become friends.

Then I would leave and go on the campaigns. I left the governor's office to go on the '62 campaign, and then I left again in '66 because my background was politics. In '62 I had been doing schedules and invitations, and all of those decisions sort of moved out of the governor's office and into the campaign. So all I did was take what I'd done before and what I was an expert at and move it into the campaign and do it there. It's different ramifications, maybe different criteria, but basically it's the same job I was already trained and doing. So it was a very logical thing. Also, because I'd come out of politics and the CDC, I was known to the political managers and so they were comfortable with me.

Then the same thing happened again in '66. They just took the invitations office with me, and Louise Ringwalt at that time came down, and we ran it out of Los Angeles. So it was very logical.

I hope I recall accurately, but I remember a conversation with the governor at one of these breakfasts where we were talking about George Christopher. He was telling me, "Everybody tells me that it's better to run against Reagan and it will be to our advantage if Christopher loses in the primary and we have Reagan as an opponent. But I'm not sure, I'm not sure that's right. But everybody agrees. Everybody agrees."

Sloss: The impression he certainly gave me in that conversation was that all the wise heads he respected (I don't even know that he mentioned names, I'm sure that he didn't mention names) agreed that Reagan would be easier to beat and that he had doubts about it. Not serious doubts, but doubts.

Glaser: In your contacts with him, did you find him wishy-washy?

Sloss: [Pause] No, I don't think so. He was pretty decisive about appointments. I'm sure there were some--yes, there were some--where he was indecisive. And there were some where he knew his heart what was the right thing to do as opposed to what was the easy thing to do, and he would say, "I don't know. This guy seems to be better, but this guy's got more support. I think maybe I better appoint this guy."

Then I'd remind him, "But that would mean ignoring these facts or problems?"

"Well, maybe you're right."

But I wouldn't categorize it as wishy-washy because it was a balancing of things where it was not clear cut and very easy. I think one of the things about Pat Brown that I thought was terrific--

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Sloss: He was an enthusiast and if you ever had an idea, even a crazy idea, and you'd say, "What about this?"

He'd say, "Terrific. Find out more about it. Come back and tell me about it. Explore it." He was never a "Well, I don't think that will work" type; he was an enthusiast.

It was a wonderful job for me. It was wonderful because I did not feel held down. I think that in a sense the other side of that coin could be indecisiveness or nonautocratic. He wasn't a person saying, "This is the way it's going to be and I want to do it." He was open to ideas and as soon as you're open to ideas--in a complicated issue there are two sides.

Everybody cites the Chessman case and I was not there, and if I had been there I wouldn't have been involved. I'm sure that was a harrowing experience for the people who went through it. But some of the times when he was "wishy-washy" it was because he did see both sides. He saw that there was a value here and there was a value there, and he was a feeling and caring person. Of course, I'm an enthusiast and I must say that I had a wonderful, wonderful career out of that. People—I don't want to get snidish about females--

Glaser: Why not?

Sloss: I don't think it's necessarily relevant. But there were certainly no-- I never felt that I was held back because I'm a woman. I took a job that had been held by a woman and so I wasn't breaking any new ground in that regard, although it reverted to a man under Reagan and probably had been a man under Knight. I don't even know. I think I was probably not paid as well as the men, but I'm sure it was not considered a comparable job. I don't know. But from my own personal point of view, it was just a wide, open-ended career ladder that you could climb up.

I started out, as I say, in the campaign where I'm sure the governor does not to this day know that I was in the campaign, and I ended up feeling that I had some influence. We are still friends and I do see him from time to time when he comes to Washington. He calls me and he calls Meredith. We have dinner together or lunch.

Anyway, it was a terrific experience for someone like me who was a generalist and had no specific skills; everything sort of opened up and sailed ahead. I think the job I had was a responsible job even though I might not have told him who to appoint to the bench or something. There was still an enormous amount of boards and commissions that had some impact on people's lives that I had the responsibility for, helping him to select the right person.

Glaser: Did you go out and seek input? I know that you talked about how a large amount of this came to you, but I wondered to what extent you went out for input.

Sloss: Unfortunately, very little. I think that's a mistake. The whole talent search thing was something we were really trying to get a handle on. I don't think we did a creative job of outreach or whatever the heck it's called--involving people--because we were so inundated with people. You might make phone calls, call people up and ask for suggestions and advice. But as far as going around, I never traveled very much to recruit or anything like that. It was just not a part of the job and hadn't been before me and I didn't make any changes.

I came back here [Washington] and looked at the talent search operation set up by the Johnson people, because it was very highly touted and it was supposed to be so nifty and progressive and everything else. And I wasn't that impressed. They were impressed by what we did with the staff that we had, in terms of the number of appointments we had to make. They had a lot of computerized stuff which we never had but started to talk about doing because the filing and retrieval of files for any particular position was horrendous. You had miles of files on any one position and it was very, very hard to keep all that stuff. It took up so much space and we did start to computerize, but I don't know what happened after we left.

State of California
GOVERNOR'S OFFICE
SACRAMENTO

November 28, 1966

Miss Nancy Sloss
1439 - 5th Street
Sacramento, California

My dear Nancy:

This is to thank you, once again, for all you have done during our years together and to assure you, and anyone to whom you might apply in furthering your career, that you have my highest recommendation as a person and as an employee.

Of all the jobs on my staff, I can think of none tougher than the one you did as appointments secretary. Scouting talented people to fill the posts at the Governor's disposal, keeping track of the potential nominees, matching the most able people to the vital jobs that had to be filled, and dealing diplomatically with those whose qualifications did not meet our standards: all of these tasks require intelligence, excellent judgment and determination. You demonstrated those qualities in full measure. I am grateful because you caused my job of making the final decisions to be much easier. I am grateful, too, because I have always wanted my administration to be remembered for the quality of its appointments, particularly our appointments to the bench. I think it will be and much of the credit goes to you.

Beyond brains, skill and judgment, you have proved in this job--and in the equally difficult task of scheduling my campaign appearances--your capacity to take and manage responsibility. People told me that neither of these assignments was a job for a woman. You proved that they

Miss Nancy Sloss


-2-

November 28, 1966

just didn't know Nancy Sloss. You are one of the most talented people to come out of this administration and I know that you will find a new and challenging outlet for those talents.

Warmest best wishes now and in the future.

Sincerely



EDMUND G. BROWN, Governor

P.S. I like you very much in
addition to all these things!



Glaser: Can you say anything about the governor's relationship with the legislature?

Sloss: I don't think I'm very authoritative on that. I don't think I really know much about it. But I would say, generally speaking, the governor considered his role as the head of the party a lesser role. He saw his position as governor as the primary one.

There was a lot of complaining that he did not do enough to strengthen the party through appointments, as well as through other things. Certain appointments were made because people would come to his attention through politics, that was one part of it. I don't think his relationship with the legislature--I don't think they thought he was terrific.

It is my understanding (but I don't know) that Warren and Knight just tried not to intervene and kind of let the legislature do what they wanted. Pat Brown came in in his first term with a very, very strong detailed legislative program, which sailed through. I think he saw the role of the governor's office as being one of not just responding to legislation that was initiated by the legislature but his own legislation, which he fought for. And it became harder and harder for him to find people to sponsor his bills. I view that as a somewhat inevitable conflict with those two different arms of government doing their own thing, which begins to be a stickier and stickier relationship. I assume he would not be known as a governor who had extraordinarily good relations with the legislature.

The fact that Jesse Unruh was a very strong person and was the speaker of the assembly kind of created a natural conflict. I think Jesse was a powerful guy who knew how to use power and had his own ideas and was not about to just do what the governor wanted. Pat Brown was not about to do what Jesse Unruh wanted. They weren't widely varying in their long-range goals, but there were differences. But I'm not really an authority about that because I didn't really work in the legislative end of it.

Glaser: I know that, but I think that you were in a position to catch the drift of what was going on, and that's why I want to ask you about the Clair Engle matter.

Sloss: Where was I?

Glaser: He died in '64.

Sloss: So it was '63 that all this was going on.

Glaser: Maybe you're right. Toward the end of '63 they got an idea that he was sicker than they thought and wondered what to do about it--was

Glaser: he going to run or resign.

Sloss: My knowledge of it trickled down from people like Libby and Don Bradley and Roger, who cared a lot about the party and felt that it was the right thing to do, as I understood it, that Engle should step aside and create the vacancy and allow somebody to come in. Those people were very, very close to Clair Engle and I think they made an effort to make that happen. I heard second and even third-hand that his wife felt that the California politicians were trying to kill him and that all he had left was the hope that he could continue; if you took his senatorial position away from him he would have nothing left.

The people I was close to were close to Clair Engle and fond of him, and they felt he should get out, and I think may have made efforts to persuade him. I think his wife was possessive about him. People have accused her—I don't know, I never met the woman; I never met Clair Engle either, but I think she was protecting what she had and also what she felt her husband's personal state of mind was. Others were looking at it from a sort of a party position—it was bitter.

Glaser: Did you have anything to do with Pierre Salinger's campaign?

Sloss: In '64 I took another leave of absence from the governor's office and went to Los Angeles and worked in the Johnson campaign office. Don Bradley at that time was working with Pierre Salinger's campaign. Actually I didn't have anything to do with that campaign because I was involved in Johnson's at the same time.

Another person—if you're going to talk to Joe Cerell, you should talk also to his wife, Lee Cerell, because they both worked in a number of campaigns in Southern California. She went into the governor's office around the same time I did. She was the Southern California counterpart to me in the very beginning, the Southern California political person in the office, then she and Joe were in all of those Southern California campaigns.

If you're talking to Joe you should talk to both of them. She worked with Don Bradley in the Salinger campaign. She probably was in the '62 Pat Brown campaign and she was certainly in the '66 Pat Brown campaign. She did a lot of the fund-raising dinners and that kind of thing. Joe has his own public relations firm, doing a lot of political campaign work. They were both very close to Gene Wyman, who was a key figure as Democratic national committeeman. They knew Gene very, very well.

Glaser: Did you know Len Gross? I understand his firm Gross and Roberts handled Proposition 14 on Fair Housing.

Sloss: I worked for them briefly, but not at that time. I had a very checkered career because I really worked on a freelance basis a lot. I worked for Gross and Roberts, and I'll be damned if I can remember what I did there. It wasn't for very long. I knew them both at that time. I don't remember Len Gross in Proposition 14. I didn't work on Proposition 14, but several of my friends did. I don't remember if they were still Gross and Roberts. They eventually broke up, I think.

Transcriber: Michelle Stafford
Final Typist: Leslie Goodman-Malamuth

TAPE GUIDE -- Nancy Sloss

Date of Interview: April 22, 1977
tape 1, side A
tape 1, side B

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APPENDIX

This is a list of the material which Miss Sloss donated to The Bancroft Library. The material details campaign activities for Edmund G. Brown, Sr., and appointments.

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Alan Cranston's Confidential Schedule, Week of October 20-25, 1966

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University of California
Berkeley, California

Governmental History Documentation Project
Goodwin Knight/Edmund Brown, Sr., Era

Meredith Burch

POLITICAL NOTES

An Interview Conducted by
Eleanor Glaser
in 1977

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INTERVIEW HISTORY

Meredith Burch acquired her training in governmental processes through a two-year internship with the Coro Foundation in San Francisco. This background was utilized in the 1956 Stevenson presidential bid when she, Fred Dutton* and Dick Tuck (also a former Coro Foundation intern) worked in the Stevenson campaign office in Los Angeles. This collaboration was the beginning of a long political relationship.

Following the election, Fred Dutton joined Attorney General Pat Brown's staff as a deputy attorney general. As an advisor to Brown, Dutton was privy to Pat Brown's discussions regarding his political future. Since Dutton saw Brown's abilities best used as governor of California rather than in the U.S. Senate, he engaged Meredith Burch to send out robotyped letters to approximately three thousand Democratic party leaders. Ms. Burch relates that perhaps it was a less sophisticated time but everybody responded to these letters, discussed the problems of the state and for the most part recommended that Brown run for governor. In sending out the letters, Ms. Burch believes she was the first person hired for the Brown campaign.

Once Pat Brown decided to run for governor, Fred Dutton became his campaign manager. For the first time the campaign was run on a unified state-wide basis with headquarters in San Francisco and without the traditional separation between northern and southern California. Ms. Burch still regards the 1958 campaign as a "classy," substantive campaign. Position papers developed for campaign speeches became the basis for the legislative program Governor Brown presented early in his administration.

The evening before the inauguration the Dutton-Tuck-Burch triumvirate marched into the governor's office to familiarize themselves with the facilities. One feels the relish of these successful, youthful campaigners in reading how they put their feet up on the governor's desk and began to punch buttons that moved walls and swung panels.

In the governor's first administration, Ms. Burch was an assistant to Governor Brown, working on his appointments to boards and commissions. She and Fred Dutton left to work on the 1960 Kennedy campaign. Both went to Washington when Dutton received a White House appointment and Ms. Burch became his administrative assistant. She returned to California in 1965, working for the governor on the National Governors' Conference held in Los Angeles. She then joined the governor's campaign staff for the 1966 election and was asked to accompany Mrs. Brown on her campaigning, handling her schedule and speeches.

*See interview with Frederick G. Dutton for this series.

It is apparent that Ms. Burch has reflected upon Pat Brown's governorships and campaigns, and in the interview she shares several personal insights. One is that luck is a commodity, a trait one possesses like the color of one's eyes. Also, that one can sense from a campaign headquarters how a campaign is faring and, even further, how the administration will function if the candidate is elected.

During the 1966 campaign, Ms. Burch met Charles Guggenheim when he was brought in to do a TV film for the campaign. Since 1967 she has been a producer, researcher and writer for Guggenheim Productions. Nancy Sloss, production manager for the Guggenheim firm, made arrangements for this interview with Ms. Burch, which took place one week after her own interview for the Knight-Brown Oral History Project.

We were interrupted several times by phone calls and by Mr. Guggenheim coming into the office with other staff members to use equipment stored in Ms. Burch's office. Ms. Burch introduced me to Mr. Guggenheim and suggested it would be worthwhile to talk to him about the 1966 campaign. Mr. Guggenheim agreed and his interview for the project is in process.

Ms. Burch held the manuscript for a time before reviewing it. She made editorial changes to clarify her statements and to add information.

Eleanor Glaser
Interviewer/Editor

8 April 1981
Regional Oral History Office
486 Bancroft Library
University of California, Berkeley

I THE FIRST CAMPAIGN, 1958

[Interview: April 29, 1977]##

Dutton-Tuck-Burch Triumvirate

- Glaser: Tell me about what you were doing when you were an assistant to Mr. Dutton.
- Burch: I think my title was administrative assistant to the governor, but I basically worked for Fred.
- Glaser: When did you start, how did you start, how did you get this, what were you doing?
- Burch: It's probably necessary to back up. Since Fred's and my relationship with the governor was so tied together--you do know how Fred and the governor became acquainted early on?
- Glaser: Yes, he saw some articles that Mr. Dutton wrote for a Los Angeles paper.
- Burch: Right. Dick Tuck and I were in Los Angeles working on the Stevenson presidential campaign when Governor Brown inserted Fred into the mix. I think he was called the executive director. There were campaign problems and Fred was slid in to solve them. So Dick Tuck and Fred and I began then what turned out to be a fairly long relationship. That far back.

Fred, as you probably know, was an attorney for the Southern County Gas Company at that time. The governor was then attorney general. After that campaign, Fred joined the attorney general's office as a deputy attorney general, and was also giving, I'd say, substantial amounts of political advice to then Attorney General Brown. Governor

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 30.

Burch: Brown at that time was, as you remember (I'm sure other people have discussed it), very torn as to whether he should run for governor or whether he should run for the U.S. Senate. Fred and a number of people felt that clearly he should run for governor, that it was the position that would utilize what he did best. But there were others among the governor's political advisers--Ed Pauley, I remember for one--who thought they'd rather have a Senator.

Fred was very clever. He had a notion that a letter, a personal, actually robotyped letter, should be sent out to all party leaders (I think we had a list of, say, three thousand) signed by Attorney General Brown. In this he would solicit their advice as to how he should proceed politically in the next few months. Fred's reasoning was that most people would reply that he should run for governor.

I was the first person hired to work on the campaign, and I organized the mailing of that letter. I don't know how I was paid. In those days we were not as careful. I may have been put on somebody's payroll, or perhaps the Democratic State Committee's. Maybe we formed some sort of an "Interim Committee for Whatever Pat Brown Might Do." Anyway, we sent the letter out. Somewhat ironically, the same week Pat was vacationing on Coconut Island, which was Ed Pauley's island. Fred was concerned because he knew Ed Pauley was whispering in Pat's ear that he should be running for the Senate. Fred was very concerned that other people whisper in Pat's ear that he should run for governor. So the letter went out while Pat was vacationing, and when he came back there was a deluge of responses. It was curious because you would think that people in positions of political leadership would be somewhat sophisticated about a letter like that. Maybe we weren't as sophisticated in 1957 as we are now about robotype mail, but the response was wonderful.

Almost everyone we wrote to sent a personal letter back, many of them quite long and thoughtful, outlining what they felt the problems were in California and what Pat should do. And the overwhelming sentiment was that he should run for governor. The letters were all dumped on his desk and I think it probably had an effect. I don't think, obviously, that was the single reason. But I think the governor was struck by this great outpouring of feeling suggesting he could best serve the party and the state as governor.

Glaser: So once he did decide to run in the primary, everything must have moved very fast.

Burch: That's right. The main political campaign headquarters with Fred as campaign director, was in San Francisco. Probably I'm covering ground that everybody's covered endlessly.

Glaser: Don't worry about that.

An Innovative Campaign

Burch: All right. That campaign was extremely interesting (probably Fred has discussed this with you, or maybe he's too modest) for a number of reasons but two in particular that I recall. It seems silly now, but I think it was the first time that a political campaign in California had been run on a state-wide basis. Northern California and southern California had traditionally been very separate bailiwicks. There was a northern California chairman, and a southern California chairman with little or no communication between them.

The Democratic party was much stronger, in a financial and organizational sense, in northern California, although obviously hardly anyone lives there. As Dick Tuck was fond of saying, half the population of California lives south of Van Nuys Boulevard. Of course, that's true and it had always been the case of the tail wagging the dog. For that reason the governor's main headquarters was in San Francisco because that's where the main financial base was, or seemed to be at that time.

But the campaign was a state-wide campaign, with Fred running it; both north and south. It seemed avant-garde in those days, although it's probably standard procedure now, but we had a teletype machine in the northern and southern California headquarters so press releases were coordinated and issued simultaneously north and south. This all seems obvious now but it was quite revolutionary. I think it was mainly the force of Fred's ideas and his energy--that it all came about.

Glaser: Tell me specifically what you did and what Fred did.

Burch: Fred was the campaign manager and directed everything. He was not particularly interested in organization; he was interested in media. He was interested in substance, what the campaign was about. He was interested in what the governor did and said and also in fund raising. Of course, a campaign has to have "organization" because it makes everybody nervous if you don't. That was the area that Fred least attended to. But as far as determining the substance and strategy of the campaign and the media, he was quite dominant. Jesse Unruh was southern California chairman and obviously a very aggressive southern California chairman, and they worked closely together.

Dick Tuck was the sort of--have you talked to Dick yet?

Glaser: No.

Burch: Oh, that will be a treat. He's the best of all of us to talk to you.

Glaser: That's what Fred Dutton said.

Burch: No question about it. He is the most perceptive--he loves the governor and he has a unique perspective. But anyway, Dick was the travel secretary. Dick was the governor's constant companion. He was sort of a jack of all trades--looked after the press, briefed him and made sure the governor didn't leave his briefcase behind, wrestled away people who wanted to importune him. It was much simpler then. Dick handled all those kinds of things that now California governors probably have fleets of persons to look after.

Glaser: You probably look back on that as a pioneer effort.

Burch: Well, I think it was. For all of us--for Fred and for me--it was our first time out of the box. Dick had been in several campaigns before, but Fred hadn't. The Stevenson campaign was his first campaign. Yes, I think we were all conscious that we were doing some new things, not only new things for us but new things in California.

Glaser: Running a campaign in a different way.

Burch: Yes.

Glaser: What did you do, Meredith?

Burch: I was an assistant to Fred. I can't really remember what I did. I was trying to think about it. I knew you'd ask. I really was just a general assistant to Fred rather than having a line of responsibility of my own.

Glaser: How much input did you have into the running of the campaign?

Burch: I would say not a great deal. I was very young and very--I wouldn't say I was timid, but I can't imagine that I had or volunteered many expert opinions.

Glaser: Were you just out of college?

Burch: No, I was further away than that. Dick Tuck and I had a fellowship with something called the Coro Foundation.* Do you know what that is?

Glaser: Yes. Are you a San Franciscan?

Burch: No, I'm from Eugene, Oregon, but I'd come to San Francisco for that. I met Dick there and he sort of propelled me into politics and we worked a couple of campaigns together after Coro.

Glaser: I take it Fred was more of a policy-input person.

*A Coro Foundation fellowship provides two years of training in the field of governmental processes and their implementation.

Burch: Yes.

Glaser: How much did he have?

Burch: I'd say a tremendous amount. I don't want to sound like we invented the wheel, because perhaps lots of campaigns have been run intelligently. I just haven't ever worked on another campaign that I considered to be run as well as that 1958 California campaign. Now, it could be because the first thing you are involved in of importance and feel that you're kind of centrally located, maybe there's a certain aura about that that colors your perspective. But as you know, we make films here for political candidates and we see a lot of political campaigns. As the years go on I'm ever more struck with the fact that that was a very classy campaign, particularly on the substantive side.

For example, everyone has "task forces," often as a kind of window dressing. But we had real task forces that did real papers and people took them rather seriously. Fred set a lot of people in motion very early on in the campaign and the position papers the task forces generated didn't just rot away in the bottom drawers of files as they usually do in campaigns. They were translated into speeches and by the time the campaign was half-way along, Governor Brown had an eight point program. It was campaign rhetoric, surely, but it was also seriously intended as the basis of his legislative program and administrative program. I think we even had legislation being drafted during the campaign. So when the governor took office, he was ready.

I think everyone felt that there hadn't been a Democratic governor since Culbert Olson, that it was important not only to move intelligently and well, but to move quickly--to come on strong at the outset. Certainly that was Dick's view. We did, and I think it was a tribute to the work done during the campaign.

The interregnum, which was just a nightmare--I'm sure the interregnums are nightmares for everybody--this was especially so because Fred went off on a holiday so the whole thing was chaotic. But it didn't really matter because so much groundwork had been laid, and the governor knew what he was about. I don't mean that there weren't a million things that he had to learn. [pauses to answer telephone]

II GOVERNOR BROWN'S FIRST LEGISLATIVE PROGRAM

Burch: Where were we? I guess we were saying that the dialogue of the campaign was real in terms of what the governor had in mind to accomplish. He wasn't frozen into certain positions--there are lots of things you just don't learn, I am sure, until you walk in that office and face those responsibilities--but because there had been this massive "research and development," I guess it would be called, there was a coherency and he was ready to present his legislative program to the legislature very early without having to paste things together that were hastily conceived. I would guess that he was--I don't know, I haven't been in other gubernatorial campaigns--but I have a feeling that he was probably unusually well prepared.

Glaser: I want to ask you about the state water plan. It's my impression that Governor Brown was not in favor of it but felt it was a campaign promise and that he had to do a lot of trading in order to get it passed.

Burch: I don't think that's true. The second part is true. I am not an expert on this and there are a lot of people who know a great deal more about the water plan than I. I was under the impression that he was very much in favor of it. Some of his advisers were not in favor of it and he did do a great deal of trading. It was considered the capstone of his administrative accomplishments. He sacrificed a lot for the water plan. There was a lot of trading.

Glaser: Then my impression is wrong.

Burch: I think he went through a lot of pushing and hauling people with people who had concerns about it. It's ironic. Nancy [Gloss] and I had dinner with the governor I guess, five or six years ago and he was talking rather nostalgically. I'm not going to get this right, but something to the effect that we nearly thought we did the right thing with the state plan for higher education and the water plan. He said, "We thought the water plan really was a significant achievement," then added, "Now we know it was probably a mistake."

- Glaser: Since he's from northern California, I wondered how much he really wanted to do this or whether the water plan was proposed in order to carry the southern part of the state.
- Burch: Those things probably get pretty well mixed in. I think he thought California needed it.
- Glaser: What did he do. People talk about the water plan more readily than the plan for higher education, and there was so much doing on in that period.
- Burch: You should talk to Hale [Champion] or someone who actually worked with it.
- Glaser: Somebody said that it was Fred Dutton's baby--something he was very involved in.
- Burch: I think Fred was very involved in that. I was in the governor's office only about five or six months when I took a leave of absence. (I had never had a long term job before and it made me rather nervous, frankly. So I took a leave of absence and was gone for six or seven months and then came back. So I'll blame all my lapses of memory on my absence.)
- Glaser: You worked with Fred as his assistant?
- Burch: No, I really wasn't. I tended to work that way because I had been working with him so long that I saw myself as his assistant. But Fred made it very clear that I was hired as an assistant to the governor.

III STAFF RESPONSIBILITIES

Glaser: What were you doing?

Burch: Basically what Nancy did but not as fully--handling the staff work on appointments to boards and commissions: patronage.

Glaser: Were you there before she came?

Burch: Yes. She came after I'd gone. Fred and I left in the fall of 1960 to come work on the Kennedy campaign here. Fred was vice-chairman, as he probably told you, of the Citizens for Kennedy and I trucked along.

Glaser: Where did you fit in with May Layne Bonnell?

Burch: May and I worked together. She took over the position when I left. I worked on political things when I returned to the governor's office, working towards the 1960 convention.

Glaser: What did Dick Tuck do in those first two years when you were around?

Burch: It's the Peter Principle. Dick was absolutely brilliant when he was traveling with the governor on the road. He really is a jack of all trades. I don't think anyone else could have done the job the way he did. He kept an eye on the schedule, made sure the governor didn't get into awkward situations, and was wonderful with the press. But in the governor's office everyone had an assigned area, so Dick was made the travel secretary and put in charge of the calendar. He still continued to travel with the governor, which was terrific. But I think Dick would be the first to say that his forte was not sitting down and evaluating and responding to thousands of letters from persons requesting the governor to attend their church bingo night or whatever, and that's what he was stuck with. So he was the travel secretary for awhile and a restless one, I must say.

The funniest sounds and sights that we all recall from the governor's office was Dick's secretary rushing around the halls saying, "Has anyone seen Mr. Tuck? Has anyone seen Mr. Tuck?" And chasing after him down the halls saying, "Dick, Dick, Mr. Tuck, where are you going?" We all knew he was disappearing probably not to be seen for days.

Glaser: Was he the court jester?

Burch: No, I wouldn't say he was the court jester because Dick is very interested in the political process and has lots of ideas not only about what's politic and expedient but what's right. Dick was in part the court jester because he is so funny and we all loved him. But, no, he was a much more substantive person than that, and I think Fred would be the first to say that he was an influence on Fred and I think he influenced the governor.

Glaser: Yes, Mr. Dutton said, "Oh, he's the best of all of us."

Burch: Yes, it's true. He's a generalist and tends to "scatter shot." He didn't get involved in details. But he has great political instincts and, I think, great human instincts, and he has a gift for phrasing things.

Glaser: What was the relationship with Hale Champion?

Burch: Hale was press secretary and we were all friends and colleagues--Hale, Jerry Maher, Bill Coblentz and everyone. But Dick and Fred and I had sort of grown up together. We'd come through the '56 campaign and then the '58 campaign. Because of that history, the three of us did spend a lot of time together.

IV WASHINGTON, D.C.

Dutton and Burch in White House, then to State Department

Glaser: Then you left for the '60 campaign and came here to Washington. Did you have a position within the Kennedy administration?

Burch: Yes, as you know, Fred became a Special Assistant at the White House. I went with him. I was one of his administrative assistants.

Glaser: When Fred moved--his second position was the--

Burch: The State Department.

Glaser: But was the first one when he was secretary to the cabinet?

Burch: Yes.

Glaser: Then you moved with him to the State Department?

Burch: Yes.

Glaser: At what point did he leave? Was it after the assassination?

Burch: No, it was before. As you recall, the President was very--it's funny, we're doing a film for the John F. Kennedy Library. I'm researching and working on a treatment for it, so I've been reading tons of material about the early Kennedy days. In re-reading Arthur Schlesinger last night I was reminded of the President's incredible frustrations over the State Department. He felt that he had a handle on all of the agencies of government with the exception of the State Department, which just caused him to throw up his hands.

So there was a great reshuffling. Fred was sent to the State Department. Dick Goodwin was sent to the State Department. Fred was the assistant secretary of state for congressional relations. Dick Goodwin had something to do with the Alliance for Progress. So Fred left before the assassination.

Glaser: When did he open a private law practice here?

Burch: He left the State Department--I left before he did to spend a year in Europe. He must have left the State Department in the summer of '64. I think he was the executive director of the Platform Committee for the '64 convention so he may have left to undertake that.

Glaser: How long have you been with Guggenheim Productions?

Burch: Forever--1967. I met Charles when he was doing firms for Governor Brown in '66.

Glaser: Are you the production manager here?

Burch: No, Nancy Sloss is the production manager.

Glaser: I think Fred Dutton said one of you is the office manager and one is the production manager.

Burch: No, he's confused. I'm a producer and a researcher and sometimes bad writer and Nancy is the production manager. She has been running the administrative side of the company.

Glaser: Why don't I give you the list of the people to look over for your reaction to the names. Tell me if there's anybody that we've missed that we should have, and also suggest questions for these people. By and large, this list was arrived at through suggestions from Pat Brown himself, plus some other advisors.

Governor Brown's Gridiron Club Speech

Burch: Warren Christopher--one sidelight of Warren Christopher's job--one of the first things that the governor did very early on, was to accept an invitation to address the Gridiron Club here in Washington. In those days the Gridiron Club seemed to really mean something; at least we all thought it meant something. There was this mystique that national reputations were made and broken based on a single performance before the Gridiron Club.

There were seven hundred people involved in drafting the governor's remarks because he had to be very witty, and very au courant. Dore Schary and some other Hollywood people including whoever the hip comedians were at that time--I suppose people like Red Skelton. I don't know, but all kinds of famous people with great reputations as humorists or gag writers were pressed into service. Thousands of man hours were devoted to the project. And Chris ended up actually writing the speech--if there's anybody who appears more sobersided than Warren Christopher.

Burch: But it was a wonderful speech and the governor was a smash and felt terrific about it. However, I'm sure that Chris does not consider that his greatest contribution to the Brown administration. [pause to look through list]

V CHESSMAN CASE

- Burch: Cecil and Dick. Cecil Poole and Dick would certainly be the two people to talk about Chessman.
- Glaser: And Dick Tuck?
- Burch: Yes.
- Glaser: What did he have to do with that?
- Burch: Fred and other members of the governor's staff finally negotiated a firm agreement with the governor not to intervene in the Chessman situation, an absolutely iron clad firm agreement that he would not do that. It had been discussed for weeks, literally day and night. I don't know who all was involved besides Fred and Dick, but when everybody staggered out of the governor's mansion around 10:00 at night on the eve of Chessman's scheduled execution, Dick was left to stay with the governor until he went to bed. Dick had a girlfriend in tow and said he was getting sleepy. They had watched all the television programs and finally Dick too left the governor. The governor then called Jerry and everything got turned around, and l'affaire Chessman took its final turn.
- Glaser: This sounds like a very minor point, but you spoke about the phone call with Jerry and so did Jack Burby. Yet when I spoke with Fred Dutton he said that Jerry was actually within the mansion.
- Burch: Well, he's wrong. But I would ask Dick to be sure. I wasn't there. My gosh, the story of the phone call was legendary. It was discussed, endlessly, for many considered Chessman the turning point of the governor's career. The governor himself regarded it that way. I had never heard before that Jerry was actually in the mansion that night.
- Glaser: So it was a phone call. Dutton said that he and Bernice Brown were up at Squaw for the start of the Winter Olympics, and Dick Tuck and Hale Champion were with the governor and Jerry. Then they left so it was the governor and Jerry Brown together in the big, sprawling mansion late at night, and they talked on and on for hours.

Burch: I could be and Fred was closer to it than I was, however I don't think that's correct. But Dick or Hale will know because they were physically present. I'm strictly a second hand recaller so my recollections, while firm, are not necessarily well-grounded.

Glaser: I think it was Mr. Burby who said that it was a phone call and Jerry was at the seminary and he put a priest on--

Burch: That is correct.

Glaser: And the priest in effect said that his soul would be damned if he would--

Burch: No, I didn't know the priest got that strong--

Glaser: --not commute the death sentence.

Burch: I didn't know about that. I know that Jerry was very emotional about it--

Glaser: And that he was at the seminary at the time. That's how Burby heard it.

Burch: That's how I've always understood it.

##

Glaser: As you see it, what was the effect of the governor's action?

Burch: Up until then the governor had a great cushion of affection and respect. But when things go well they go very well and when they go bad they go badly. The turn that the Chessman base brought about was incredible. Even people who voted against the governor, stuffy Republicans, had a warm feeling for the governor, it seemed. There was an atmosphere of good will, I think, throughout the state, and the Chessman case seemed to dissipate it overnight.

When you're booed once, then you become the person to boo. Originally it would have been unthinkable to boo Governor Brown. But after the first booing it soon became as expected ritual, certainly at sports events. He could hardly go out. It was contagious. But I think it was a sad thing for him, especially at the Olympics, an international gathering. It was more than just being booed at a local baseball game. And the rafters rang. I think it was probably dreadful for him.

When I was in the White House the governor came calling on the President once. He was waiting in the cabinet room and I went to talk with him. He was sort of philosophical and at one point said, "You know, I think my luck's run out."

Burch: I think the governor had always been cognizant of the fact that he was lucky. I think one should regard luck as a commodity, not as an ephemeral thing, but as a solid thing, as much a trait that someone possesses as honesty or blue eyes. And when you know you're lucky, it gives you a certain ease and license in the way you sashay around and so you become luckier. He hasn't said this himself but I always assumed that would be his theory. At least it's mine. He said, "You know, my luck ran out. First there was Chessman, and then you and Fred left me and I'm just not lucky anymore." He was teasing a little. But not completely.

Glaser: It was your sense of his vulnerability that comes through there.

Burch: Yes.

Glaser: Mrs. Fry, who is the head of this project, talked to Ed Salzman, the political reporter, and he didn't go along with the effect of the Chessman case on the Brown fortunes. He felt that Chessman happened before the primary and before the general election and still the governor was re-elected. That was the practical proof of the pudding. So it was not that destructive.

Burch: Well, it may have been the practical proof of the pudding. But I not only think it affected the governor's psyche--but also people regarded him differently. A man who's a well-regarded person is different from a man who is constantly booed by his fellow citizens. It doesn't mean you maybe won't vote for him, but he was tarnished. Obviously there was a honeymoon at the beginning and, as with all political leaders, things would slip a bit. But I would quarrel with that assessment.

Speaking of reporters, to change the subject, there was a wonderful man called Bill Glasgow. He wrote the Time magazine cover story on Governor Brown, which made the governor and Bernice cross. Ask Dick when you talk to him; Bill Glasgow was in Arizona some place--I don't know why I have a feeling that maybe he has died.

Glaser: He was with Time magazine?

Burch: Yes. He had wonderful stories. He lived with the governor and Bernice and everybody for several weeks. As I recall, it was a rather favorable story but there were small things. For example, he made sort of deprecating references to the governor's short socks. The governor did wear short socks. They looked terrible. [laughter] But he made some sort of reference to the governor's socks--he'd wear brown short socks in a context that made it clear that it was a sartorial shortcoming. There were some little--what were considered to be bitchy--asides that I remember. Bernice particularly did not think it appropriate for a man who'd been extended hospitality for a couple of weeks to turn around and write snide things.

Burch: All Time magazine reporters as you know have a perfect answer: they say, "they changed it in New York," and probably they do change it in New York. But he would be a good person to talk to because he had a real slant on the governor.

Glaser: What year did that appear?

Burch: It must have been very early along, so it must have been the latter part of '59, the early part of '60. He had wonderful stories. I can remember him saying, "Traveling around with this crowd... It's like a zoo. You get in a limousine with Dick and the governor and it's the most incredible performance ever seen. The governor says to Dick, 'See that clipping from the Los Angeles Times about so and so on the city council?'

"Dick reads it, says, 'That's really interesting.' Dick says, 'Did you see the clipping from the San Jose Mercury News about how your water project's never going to make it?'

"The governor says, 'No, but let me have it.' They both have their pockets just filled with old polls, xeroxes, little pieces of reports and endless clippings. Two hours down the road, the back is awash with papers and the governor is still rooting around in his briefcase and Dick is digging practically in his cuffs." [laughter]
[tape interrupted by ringing telephone]

VI GOVERNOR BROWN'S PARTY RELATIONSHIPS

President Kennedy

- Glaser: There is talk that Fred Dutton undermined Pat Brown in Washington with Kennedy, that he feathered his own nest by making Pat Brown appear to be a boobie. Then the governor came to Washington and talked to the Press Club and absolutely floored them with his command of knowledge of the California situation--talked without notes for forty-five minutes to an hour, quoted statistics, and really impressed--
- Burch: When was this? Was that when he was first elected or was this after Fred had come back here?
- Glaser: When Fred was in Washington. Then from the Press Club he spent an evening with President Kennedy. Because of the evening with Kennedy and the speech to the Press Club, President Kennedy got a better opinion of him.
- Burch: That's an outrageous statement. It's not sensible. I think Fred was very cognizant of the governor's faults and may have commented on them, but not without acknowledging his merits.

I would guess that the governor's standing with the president did change after the Press Club speech. Certainly. He was probably wonderful at the Press Club and the president had no reason not to be impressed. But I can't imagine that Fred had told the president that he had worked for a nincompoop. That would be unflattering to Fred as well. I find it preposterous, and I don't think it's true.

Originally President Kennedy did not admire Governor Brown. President Kennedy was furious at Governor Brown for not coming out for him before the convention. (I'm quoting Teddy White now, Schlesinger, et al). He didn't need Fred to make him cross at the governor. The president had spent a lot of time working on California, had very much hoped for the governor's support early on. The governor felt, I think quite properly, that there was so much Stevenson--you know the story--so much Stevenson sentiment in the state that he was not going to take a stand.

I think that was not an improper decision, but it certainly frustrated the Kennedys, who knew that he basically supported them. But I think maybe they felt about Brown as they felt about Adlai Stevenson, that he was not sufficiently decisive. I think the governor had his own concerns. There was a great deal of frustration among senior members of the Kennedy staff at the governor's failure to come

Burch: out before the convention for President Kennedy. And I'm sure that Kennedy tended maybe to write him off as the kind of guy who just couldn't get with it, that he was the sort who would stick around and be sentimental about the hopeless cause of an Adlai Stevenson.

I think that probably the president did not respect Governor Brown, based on that experience, and I'm sure that the Press Club speech and meeting him personally and spending some time with him would probably convince Kennedy that Brown was a more substantial, worthy person than he had thought. But I can't see how Fred would necessarily figure in those calculations.

Glaser: I don't want you to think that anybody I talked to here gave me that impression--

Burch: No, no. I don't mean to be over-reactive about it, but the short answer is, I don't think that's correct.

Glaser: This is something I had come across in our office, and I don't want you to get the impression that it was anybody here because you might wonder who was the traitor.

Burch: No, no, I had heard, certainly, similar comments before--I hadn't heard that kind of comment tied to the Press Club speech.

Clair Engle

Glaser: Were you involved in the Clair Engle situation when Engle was ill and there was an attempt to find out just how ill he was and how to gracefully get him out for the good of the party?

Burch: I remember that but I really don't recall much about that.

Glaser: I spoke to former Congressman Waldie about that and he said the thing to do is to find out how Pat got his information about the true situation, which surprised Waldie himself. He at one time came back from Washington to talk to Engle and then returned to California and said, "He is not that ill." Then it turned out that Engle was very ill. Waldie wondered where Pat got the true information.

Burch: No, I wouldn't have any idea and I don't know exactly who would know.

Glaser: How involved were you with the CDC when you were still in California?

Burch: Only peripherally. I went to several conventions but, no, I was not a grass roots activist.

George Miller, Jr.

Glaser: I wonder if you got any sense of the relationship in Sacramento between the governor and George Miller, Jr.? He was a very powerful man and I wondered if you saw him in action with the governor.

Burch: Not that much. Dick was a great friend of George Miller, Jr.'s. Dick had worked as an aide, a legislative coordinator or something like that for awhile. He made sure that bills didn't get lost between the senate and the house. I think he was on the senate payroll. So he knew Hugh Burns well and worked closely with George Miller, Jr. He really knew that senate scene very well.

Glaser: Tell me what you did as far as the appointments were concerned. That seems to be, for every governor, a rather key thing.

Burch: In retrospect I realize I interpreted by job very narrowly. I collected recommendations and would screen them with the appropriate legislators, people in their local communities, people in the profession if it were an appointment to a professional board or whatever. I would take a list of names to Fred for guidance and then I'd narrow it down to three or four and try to get it off my desk to get someone else to make the final decision.

Nancy and May Layne were more aggressive and they actually carried the process through to making the appointments themselves. I don't mean that the governor didn't okay all appointments, but I think they took it a lot further than I did.

Glaser: Were you involved in any of the judicial appointments?

Burch: No, not at all.

Glaser: Who took care of that?

Burch: I think Billy Coblentz did. I'm not sure though. [break in tape when Charles Guggenheim enters. Conversation ensues about TV film Guggenheim made for Governor Brown's 1966 campaign]

VII 1966 GUBERNATORIAL CAMPAIGN

TV Film

- Burch: But there was jillions of copies around. Charles will remember who should have copies. There had to be one for each station that ran it, so there had to be a number of them.
- Glaser: How long--
- Burch: A half hour.
- Glaser: Is there any possibility that a copy could be made for us?
- Burch: I think that's a good point.. We must have the elements from which the film was made. It probably wouldn't be the easiest, cheapest thing in the world, but, yes, that could be done. You might ask Charles about that.
- Glaser: That ought to be part of this documentation of the Brown years.
- Burch: I think it should. I think it really should. I think the governor would say that it was a good portrayal of the essential Pat Brown. You should see the spots, too. They're funny. Ask Charles about the spots. He gets very hair-shirted about them, doesn't think they were helpful, although--anyway, let him tell you the story. I'm talking about the negative spots about Ronald Reagan--do you know about those? They were terrific politically. I'm just saying amusing. Old clips from Ronald Reagan films--Reagan busting out of a bar and shooting up everything. Reagan telling us about the joys of Boraxo. This great voice, a wonderful narrator Charles used to use says, [lowers voice to imitate narrator] "Ronald Reagan has played many roles. This year he wants to play governor. Can you afford the price of admission?" They're very humorous. But you should discuss them with Charles. I would love to have you see the Brown material.
- Glaser: It sounds as if we ought to have it, really.
- Burch: Yes, I think it would be nice if you did.
- Glaser: Is Mr. Guggenheim willing to talk to me?
- Burch: Yes, yes. He's dictating right now but I'm sure he's not going to be very long. He's going to call Hale. He's got the note. He said he'd do it now.
- Glaser: Good. Are there any other people?

Burch: Well, Bill Glasgow as I mentioned. Do you know who Frank Chambers is? Frank Chambers worked for the governor. He's kind of an old, old-school politician. He was the northern California chairman in 1958. He did organization. I said that Fred didn't turn himself upside down for organization. Frank Chambers--he now does something up in Sacramento. He was head of the highway department or something similar in the first Brown administration.

Glaser: Is he on the list?

Burch: No. He should be though.

Glaser: Okay.

Burch: He's a wonderful, rich sort of--a raconteur. He'd be lovely to talk to.

Glaser: Meredith, do you have any memorabilia?

Burch: I don't think I have a thing. I don't even think I have a picture.

Mrs. Brown's Participation

Burch: I worked for Mrs. Brown in the '66 campaign.

Glaser: I thought you were back here.

Burch: No, I came back for the '66 campaign.

Glaser: Oh, I didn't know that.

Burch: I went to work for the governor first, on the National Governors Conference held in Los Angeles in 1965. I went back on the governor's staff in the fall of 1965 and worked through 1966, on his regular campaign staff and then for Mrs. Brown. I was asked to handle her schedule, speeches et cetera. I enjoyed it a lot. She's a remarkable lady and one saw the governor from a different angle. It was fun.

Glaser: What kind of a woman is she?

Burch: She's a very impressive lady, very disciplined and an excellent campaigner. [pause to answer the telephone] She's extremely intelligent, disciplined, well-organized and extremely orderly. I emphasize that because she's such a contrast to her husband. I mean I didn't march through their bedroom, but you can sort of imagine Pat Brown left to his own devices as living in a welter of socks and under-

- Burch: wear in kind of slapdash disorder. [tape is interrupted to discuss with Mr. Guggenheim a possible interview with Hale Champion] The cliché about Jerry is that he is more like his mother than his father, and there's probably some truth to that because the governor was so warm and rambunctious. Mrs. Brown is not rambunctious. I learned a great deal working with her, and admire her a great deal.
- Glaser: Did you get any sense of how much influence she had on the governor?
- Burch: No, I really didn't. I was around a lot but it's funny, I didn't think in those terms. Concerning your future interviews, you should really talk to Fred as well as Dick Kline about the '66 campaign, which I think was probably a classic example of a bad campaign.
- Glaser: Dick Kline was very open about the mistakes.
- Burch: Everyone's open about them. I'm sure Nancy was candid. You only had to walk into the door of that headquarters to know that it wasn't a good campaign. There's a feel and a smell of things in a political campaign--
- Glaser: Was Nancy involved in that?
- Burch: Yes, she handled the governor's schedule.

A Negative Campaign

- Burch: The thing about Charles [Guggenheim]--I think you'd be interested in talking with him about the negative aspects of the campaign and it wasn't just the films. Mr. Kline and Harry Lerner, as you know, had a very efficient negative campaign.
- Glaser: "Efficient negative"--do you want to expand on that a little?
- Burch: Yes, the anti-Reagan as opposed to pro-Brown. Dick Kline and Harry Lerner had a unit. They were really prolific. They dug out more material--God knows who their sources were--but they were very good at it.

I hope I'm not getting on thin ice now. Since so much was wrong with the campaign there was plenty of room to--but it was so funny. You know how when you're very good at something you find it hard not to do it? As I recall, the negative campaign was turned off a number of times. I can't remember if it was the governor or Fred I heard say, "God, we turn it off every Friday and every Monday I come in and there are those big manila envelopes going out to the press." But it was an aspect of the campaign that seemed to have a life of its own. It seemed that no

Burch: matter how often decisions were made in so-called strategy meetings, that we weren't going to pursue that effort anymore, the operation continued to flourish. It would be an interesting thing to pursue with the people involved. Dick Kline must have discussed it.

Glaser: Yes, but not in this much detail. He did say that in '62 they were so effective and gave the governor such good advice that he trusted them and went along, even though he felt what they were doing was wrong. They felt that they were right and continued. Nobody has discussed this as much as you have.

How much did Mr. Dutton have to do with the '66 campaign?

Burch: There was something called the triumvirate or troika: Hale, Fred, and Don Bradley. You can imagine how well that worked. It didn't work at all. Fred thinks he had very little to do with it.

Glaser: Dutton?

Burch: Yes. He supposedly should have had a third to do with it and Hale should have had a third and Don should have had a third but life doesn't usually work itself out in tidy piles.

Glaser: But I thought Dutton was back here.

Burch: No, no. He was summoned out, he thought, to run the campaign. It then became apparent that (the governor was notorious for this kind of thing) there were three people who thought they were running the campaign. I think Fred sort of bowed out, but you'll have to ask him. I was off dancing around the countryside with Bernice so--

Glaser: Was it with Bradley that he couldn't work with?

Burch: Both Don and Hale. But I think that's something the principals would discuss much better than I. I wouldn't say that they couldn't work with each other. It was just an untenable situation--three people don't run a campaign; somebody's in charge.

Glaser: What you're saying leads back to what--it was either Jerry Waldie or Mr. Dutton who said that Pat Brown had the tendency to ask just everybody around for advice.

Burch: That's correct, and not to assign firm responsibilities; not to say "He's in charge." It was unfortunately typical that he would allow that kind of a mushy situation to develop.

Glaser: Do you suppose that aside from having a poorly-run campaign that voters just felt it was time for a change?

Burch: Yes, and they were right in a sense. I think the people perceived something that disturbed them, and that they perceived correctly. When I say the campaign was badly run I don't mean the bumper strips didn't get out on time or things like that. I think what was wrong with the campaign was symptomatic of some of the problems of going into another term, a sort of flabbiness. I don't mean this as harshly as it's coming out.

Let's just establish the premise. I think we all agree, and it's not just being sort of cheerfully pollyanna, that the American voters really do seem to have an uncanny sense of knowing what's going on, of knowing what political candidates are about, of knowing how things are functioning. It's almost occult. They seem surprisingly knowledgeable and informed as to what the situation is and I don't think necessarily because of the media.

##

Glaser: You were saying that voters perceive something within a candidate.

Burch: Within a candidate and beyond that--within a campaign which is an entity that can be differentiated from the candidate. I think there was a kind of malaise in that campaign that probably reflected a real malaise of how things might have been functioning in the later days of the administration or might have functioned in the next administration if we had won the election. Just small things.

But it's generally true that you can walk into a campaign headquarters (I'm exaggerating a bit) and get a feel for how things are. At that campaign headquarters you walked in and you knew there was something wrong. There were hundreds of people on the payroll. It was an enormously expensive campaign. I don't think there were four volunteers around. It just wasn't the lean hard days that you remember when you started out, when it was a kind of guerrilla warfare and you had a small staff and everyone was really huckltybucklety. This one was overstaffed. Every place you looked there was some portentous, fat, young advance man. We used to call them the 'young old farts,' [laughter] but anyway, there were lots of those. Everyone was paid. There was lots of money.

Glaser: Why did Brown run again?

Burch: I don't know. I think he thought there were still things he wanted to do. He wasn't totally out of steam although I can't imagine anyone in their third term, or potential third term, has the fire they did in the first term. I think he would have been a better governor than Ronald Reagan, but all things considered I think the campaign did have a feeling of a lack of leanness and commitment. I don't mean there wasn't commitment--I mean a kind of total commitment.

VIII GOVERNOR AND MRS. BROWN IN OFFICE

Glaser: People say that Pat Brown didn't want power, he only wanted to accomplish things and if power was needed for the accomplishment, okay. Did he get caught up with power? Is that why he went on for a third term?

Burch: I really don't know because I was gone during that latter period. One had the feeling that he had just cranked down a little bit. It's comfortable being governor. Gosh, you have cars and planes and everybody looks after you.

Glaser: He does like adulation.

Burch: Yes, that's true. That sounds a little harsher--I know you don't mean it harshly. Yes, he does, but in such an open way that it's not unattractive. For example, at the governor's office--he would walk out at noon for lunch and the school children would be lined up in the hall waiting to get in, because they were allowed to tour the governor's office when the staff was having lunch. The governor would come out and he would say, "Do you know who I am? I'm the governor! I'm the governor of this whole state! Yes, I'm the governor." [laughter] He did like adulation. When he walked out of that door he wanted those kids to know they'd seen the governor. So that's true.

But there are all kinds of ways of liking adulation, and he had such a freshness about it, as if he were almost surprised he was governor, too, and everybody should just sort of share in this great delight with him. I found that beguiling, so open, so non-cool that it was attractive.

Glaser: People who worked for him talk about him with great love and loyalty.

Burch: I know for Nancy and certainly for me he was a sort of Papa Bear, and he really was very fatherly. He would be curious about one's personal concerns. I don't think there was ever this kind of layer--there was no polyethylene around him or the office.

Glaser: Did Bernice want him to run again for a third term?

Burch: I think she did.

Glaser: She did or did not?

Burch: I think she did.

Glaser: Did she enjoy being the governor's wife?

Burch: I think so. She was very good at it.

She enjoyed campaigning that last time in '66. She hadn't realized the she would be so good at that too. She was impressive and handled the press well. The governor was very fond in pointing out that she often got better press than he did. She usually went to small towns. Obviously she was not going to make news in Los Angeles or San Francisco. But in smaller towns like Fresno and San Bernardino, and Eureka, Bernice could really capture the media in a way with human interest stories that only a woman (at least in those days--the papers are more sophisticated now) had an opportunity to do. There would usually be a personal interview on the woman's page. We'd invite all the radio people in, and she'd usually do a television interview, and in a small town she'd make front page news as well.

Glaser: I thought perhaps she was like Pat Nixon, too cold, unable to bend, too unifying for people to relate to.

Burch: She's a little cool, but, no, she's not like-- She's half Irish and half German. She's sometimes described, as you know, as being rather Germanic. But she had a certain warmth to her and she was very gracious. She's a thoughtful person and I think that came through, and she looked like a first lady.

Glaser: She certainly is handsome.

Burch: I think she made a contribution. And the governor was extremely supportive. We'd come in at the end of the day and, of course, he would have criss-crossed the state and we would have been maybe three or four places. But he always wanted to know first what Bernice was doing and how she was and did it go well and what kind of press did she get, and only then would he say what he'd been up to.

You should speak with the children, Kathy particularly, that marvelous girl.

Glaser: Fred Dutton mentioned her and that's how he spoke of her. He said that if California ever elects a female governor he's sure it would be Kathy.

Burch: She is something. I don't know if you saw her on television at the convention. She is a poised, warm, lovely young woman. She really loved and was very supportive of her father.

Glaser: He said that, number one, she is the apple of Pat's eye--

Burch: No question.

Glaser: And number two, she is the best politician in the family.

Burch: I think that's a reasonable appraisal.

Glaser: Even better than Pat himself.

Burch: Yes. You'd enjoy speaking with her.

Glaser: Oh, I'm sure that we will talk to her. You've been very, very generous with your time.

Burch: Well, I loved it. [break in the tape]

IX TRANSITION FOR FIRST ADMINISTRATION, 1958

Burch: When we first went to Sacramento, Dick had a theory, which I mentioned earlier, about coming in strong. He had a preoccupation with the dangers of being taken over, by the bureaucrats--a change has been called for by the electorate, but the bureaucrats, as we know, sometimes aren't as responsive to that change. He was concerned that when we came into the governor's office, we would be too dependent on the hold-overs because we couldn't even find the bathroom without them. Which was true. The file drawers were empty. There wasn't a piece of paper in any of the offices. So we were totally dependent on the continuing staff at the beginning. And they were very loyal, civil servants, but comfortable with things as they were, or had been.

Dick fought hard for making symbolic changes at the outset. You know, you take office at noon and "they" walk out and you walk in. That's the first time supposedly that you had really been in the offices. It wasn't a warm, endlessly chummy transition. But Dick had somehow gotten the key made, I'm sure in the small of the night, so we had a key to the governor's office. Dick and Fred and I about midnight the night before the governor was sworn in, crept into the office. Dick lectured us about how important it was to know where the things were and to have an idea about office assignments. Otherwise we'd come in and have to ask, "Now, where are the paper clips and where's the bathroom and where do you suppose the press secretary should sit." He felt we should be comfortable with those rooms, that we should know where everybody was going to be placed and we should come in like gangbusters. We should take charge. We shouldn't be timorous like bunnies looking through a hedge.

So we walked through the offices and made some decisions. Then we went into the governor's office and sat at his desk. Incredible. It had, at least in those days, all kinds of buttons on it that would cause the walls to move back and forth revealing panels that popped out with maps or diagrams or a chart of some sort. Dick had a bottle of bourbon and we put our feet on the governor's desk and were punching the buttons watching the panels slide back and forth when a guard appeared at the door. We fled like children. [laughter] It's hard

Burch: to explain: "Pretty soon this is going to be all ours." But obviously at midnight the night before the transition it wasn't ours. We were just trespassers.

Glaser: This sounds like a Walt Disney--

Burch: Or Fellini. Anyway, it was wonderful.

Glaser: That's a marvelous image.

Burch: It was very funny. I hadn't thought about it for years and when it came to mind this morning I decided that was probably one of the high points of my life. Sitting in the governor's office drinking bourbon and watching the panels slide back and forth. [laughter] But you must talk to Dick about all that.

Glaser: Well, I hope that we can get to him. We're going to try.

Transcriber: Michelle Stafford
Final Typist: Nicole Bouche

TAPE GUIDE -- Meredith Burch

Interview: April 29, 1977

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Charles Guggenheim

THE USE OF FILM IN POLITICAL CAMPAIGNING

An Interview Conducted by
Eleanor Glaser
in 1977



CHARLES GUGGENHEIM

*Photo by Hutchinson Photographers
St. Louis, Missouri*

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INTERVIEW HISTORY

Charles Guggenheim's brief interview provides a glimpse of the increasingly important art of political campaign filmmaking. As the easterner who produced the celebrated documentary in which Pat Brown recalled that it was an actor who shot Lincoln on alluding to Ronald Reagan, Guggenheim offers objective corroboration of the problems evident in Brown's ill-fated 1966 campaign for a third term as governor of California.

The interview was recorded at Guggenheim Productions in Washington, D.C., on 27 April 1977. Earlier that week, Eleanor Glaser, interviewer for the Knight-Brown Era oral history project, had taped a discussion with Nancy Sloss, a member of Brown's 1958 campaign staff and an aide in the governor's office and, at the time, an associate of Guggenheim's. Sloss had then arranged for an interview session with Meredith Burch, another Brown veteran who had joined the Guggenheim firm. Burch in turn suggested that Guggenheim be interviewed and set up an appointment in his busy schedule for a short taping session with Glaser.

A transcript of the interview was sent to Guggenheim for review. It was returned to ROHO for final processing in 1981 without revisions.

Gabrielle Morris
Project Coordinator

30 November 1981
Regional Oral History Office
486 The Bancroft Library
University of California at Berkeley

I GUGGENHEIM PRODUCTIONS SUGGESTED FOR CAMPAIGN
BY HARRY ASHMORE

[Date of Interview: 29 April 1977] ##

Glaser: What's the title of your firm, Guggenheim Productions?

Guggenheim: Guggenheim Productions, yes.

Glaser: Meredith [Burch] spoke about the '66 campaign more than anyone else I've talked to here, and I'd like very much to have your input on that. She mentioned that, by and large, it was a negative campaign. At what point did you come in? Whose decision was it for you to come in and do documentaries and shorts?

Guggenheim: I'm not quite clear how it all came about but I think it was Harry Ashmore.

Glaser: Harry Ashmore from Arkansas?

Guggenheim: Yes, Arkansas.

Glaser: What did he have to do with it?

Guggenheim: Harry Ashmore is now in Santa Barbara. He's lived there for I guess twelve years, fifteen years.

Glaser: Oh, at the Center for Democratic—

Guggenheim: For the Study of Democratic Institutions. He was involved because he was interested in politics. I met him when I worked for Adlai Stevenson in '56, so he'd always been very much involved. I think he knew the Governor. In fact, there are a number of very funny stories, whether he got them firsthand or secondhand I'm not quite clear, but most of the funny stories I know about Pat Brown come from Harry Ashmore.

Glaser: Tell me some of them.

Guggenheim: Some of the funny stories?

Glaser: Yes.

Guggenheim: Well, one I remember--the farmworkers were striking--the people who pick dates and I guess the date tree is rather high. There was some problem, anyway, about them going up on tall ladders. There was a safety problem. So the Governor went to look at the situation. He climbed a ladder to see firsthand how it was. When he came down the ladder, the press was there and the microphones were pushed in his face and someone asked, "Well, Governor, how was it?"

He said, "I think the date pickers have a point. When I was up there on that ladder I felt more insecure than I usually do."
[laughter]

Harry told me that story. The Governor was the kind of man that you laughed with. He was endearing. He was very funny. It was the kind of thing he would say.

I think the way that I got involved was that Harry Ashmore, who I had worked with in the Stevenson campaign and also on films in Little Rock, where he was publisher of the Arkansas Gazette, must have had a conversation with Gene Wyman. I got a call because Harry had been familiar with some of the work we were doing in political television, and so I went out to the West Coast to talk to the campaign; that was before the primary election. They possibly were considering using us then.

I looked at the material they had produced, talked to them, looked at the polls and the situation, and said that I felt they were going to be in serious trouble. I was there such a short time but I made a fairly strong case that I thought they really could be bloodied up in the primary. Well, it turned out they were. I was prophetic but I was also lucky. Sometimes you're wrong, sometimes you're right in this business. I happened to be right in this case. So were a lot of other people.

So after the primary they panicked. They were using David Wolper for the primary TV material, and I think they felt he had done the wrong thing. I personally don't think it was Wolper's fault. But anyway, they came to me. Perhaps it was because Wolper wouldn't do it or whatever. I'm not sure. But anyway, I think it had something to do with the fact that I might have said they were going to be in trouble and the combination of that fact and that we were new and they needed something new at that point had something to do with it.

Guggenheim: I went out and we were hired and I moved out to California for that summer, and the election. I lived there for about three months. That's when I met Brown. The first time, when I discussed their campaign material just before the primary, I didn't meet him. I met him when we started work on the general election. That's when I met Nancy Sloss and that's when I met Meredith Burch. So we went out and set up an office to produce their television films for the campaign.

II CAMPAIGN PERSONNEL AND STRATEGY

Glaser: Who did you work with on the Brown staff?

Guggenheim: My first contact was Gene Wyman because we needed to work out the financial conditions. There was Gene Kline who was finance chairman. He was not in a sense on the staff, but he was the man who, with Gene Wyman, was responsible for raising the money for the campaign. I saw him, too.

Glaser: This is not Dick Kline who was the press secretary?

Guggenheim: No. Eugene Kline.

Glaser: Oh, nobody's mentioned him.

Guggenheim: Yes, Eugene Kline. He's be worth talking to.

Glaser: He was connected with finances?

Guggenheim: Yes, he was finance chairman. A very successful businessman in Los Angeles.

Glaser: He worked with Wyman on raising funds?

Guggenheim: Raising funds, yes, and I think he approved all of the major expenditures, at least not the day-to-day expenditures. I don't mean to over-emphasize that. These were just the first people I met there. I guess Hale Champion was really the first person I got close to in the campaign and he was terribly helpful, both in Sacramento and then when we moved down to Los Angeles later. He told me about the issues and also was the one who kept me informed on the problems within the campaign, which probably Meredith and Nancy have talked something about: the division between certain factions that had been brought into play-- Dutton on one hand, Bradley on the other. Because I was the only newcomer there, I think Champion wanted to protect me from whatever infighting was going on. Champion was part of that problem too, I guess. But he was very, very helpful to me and supportive and getting the issues and so forth.

Guggenheim: Fred Dutton came in as campaign manager after I started. But because we worked very much to ourselves, I never got to know him very well until after the campaign. I saw a lot of the Governor.

Glaser: And Kathleen Brown?

Guggenheim: I didn't meet the girls except in filming and very late in the campaign.

Glaser: Meredith said that you have only one print left of the campaign film.

Guggenheim: Here? That may be true.

Glaser: She thinks we ought to have a copy. All the things that people give us will go into The Bancroft Library, which is really a fine place for things to be kept for future historians.

Guggenheim: That film would be very important to keep there.

Glaser: Yes. What would be the possibility of our getting a copy?

Guggenheim: I wouldn't be surprised if there weren't a number of copies out in California--by number, five or six prints. I think probably even the Governor has one, and it would probably be good if you kept his print.*

Glaser: If he doesn't, can you give us some other names that we could contact?

Guggenheim: The advertising man of that campaign. Did his name come up at all? Jim Keene?

Glaser: Dick Kline mentioned him.

Guggenheim: Keene would probably be worth talking to, too, because he worked on more than just one campaign with Brown, I believe.

Glaser: We didn't know his name back in our office. We had the name of a man who would be before your time. His name was Len Gross. He worked with Roberts on the very expensive fight on Proposition 14, the one that was trying to turn around the Rumford Fair Housing Act.

*Governor Pat Brown has agreed to deposit his copy of this film in The Bancroft Library, when it is located among materials in his possession in 1981.

Guggenheim: Right. I don't know if Keene was involved in that or not, but he had been involved with Brown on some other things, whether it was some of those--

Glaser: Was he a southern California man?

Guggenheim: Yes, he was southern California, from Los Angeles. They distributed that film to stations, and I think there must have been maybe twenty prints made. Now prints can be struck off from the negative, except you probably don't want to pay for it. So if there's a print available you might as well get it.

Glaser: If there isn't one available how much would it be?

Guggenheim: I think maybe \$150 or something like that.

Glaser: What about spots?

Guggenheim: Same thing. I think we only have one copy of spots here.

Glaser: How many copies of spots were there all together?

Guggenheim: I think there may be fifteen or twenty. They would historically be very significant because I think it was one campaign that was sort of misdirected, and I think that television reflected that misdirection.

When I got into the campaign it was already-- The strategy-- as probably a number of people will tell you, their idea was to have Reagan win the primary. They went to a lot of effort to have Reagan win the primary because they thought he was beatable. I think it was the mayor of San Francisco--

Glaser: Yes, George Christopher.

Guggenheim: Christopher, yes. Then from there on the whole idea was to just sort of make ludicrous Reagan's candidacy, that an actor should try to run the biggest state in the union. They got caught up in that strategy and they devoted all of their time to that thing. When I got there it was already in motion and instead of separating myself--I did to some extent--but separating myself from it I got caught in it, in the sense the television reflected and supported that same kind of strategy: going after Reagan rather than trying to build up Brown. In retrospect, in hindsight, it was a mistake.

Glaser: How much did you work with Brown and what can you tell me about your reactions to him as a person?

- Guggenheim: I remember when I first met him--of course, when you first meet someone like that you want to sort of gain his confidence. I always felt that he was always cooperative and very kind and fun to be with and interesting and open. The first time, I had a feeling he didn't know exactly what we were about, what we were trying to do. He left to his lieutenants--he left it to Dutton, Bradley, and Champion; and to Roy Ringer in a sense, because I worked closely with Roy. I didn't mention him before, but we worked together writing the radio spots. He worked on radio with me and we became very close friends because of that.
- Glaser: Was he on the governor's staff?
- Guggenheim: He was on the governor's staff. Have you talked to him?
- Glaser: Nobody's mentioned him.
- Guggenheim: Oh, my gosh. You've got to talk to Roy Ringer. I would say next--well, I can't say that, that's not true, because Fred is very important, but Roy would be as important as anybody you could talk to.
- Glaser: What was his title?
- Guggenheim: Roy? That's a good point. I think he was probably chief of press, in charge of press. He worked for the Governor, I think, on staff, years, not many years, but before the election. I know he wrote a lot of speeches for him before the election. He wrote speeches during the election and he ran the press office.
- Glaser: Burby is the name that I got from Nancy Sloss.
- Guggenheim: Jack was his press secretary and Roy was in the campaign running the press office.
- Glaser: Oh, for the campaign. I see.
- Guggenheim: Yes, he was not his press secretary.
- Glaser: Do you know where he is now?
- Guggenheim: Yes, he's chief editorial writer for the Los Angeles Times. A great guy. Give him my best.
- Glaser: That's a great lead. That's why we talk to people like you, if you wonder why I'm taking up your time.
- Guggenheim: I'm surprised Nancy and Meredith didn't talk to you about Roy. Roy is crucial for you to talk to. He's fond of the Governor and a great student of him. In terms of campaign issues and in and out

Guggenheim: during a certain period, he would be as alert and as sensitive and have as much insight as anybody I know. We were in the campaign. He knew California politics in and out. He knew the Governor because he had--in fact, he wrote a book. He ghosted a book for the Governor.

Glaser: The one that appeared after the election?

Guggenheim: He wanted to write a book on the judicial system. I'm not sure it was ever published.

Glaser: No, Pat Brown wrote a book about Reagan.*

Guggenheim: Oh, did he? Now whether Roy did that I'm not sure but they had a falling out on this book. It had to do with the judicial system or something like that. They had a misunderstanding in terms of money owed to each other. There was some bitterness involved there. But I think it's been long enough and Roy is not a very vitriolic person. I think he would pull back and I think inwardly Roy still has a great fondness for Brown. Even if there isn't, you should get his point of view. But he would be very helpful.

So we sort of did our own thing. Dick Kline and Harry Lerner-- a public relations man who had retired and gone to Palm Springs and came back for this campaign. He had made a lot of money on campaigns in California--who worked with Dick Kline. They were sort of a duo. They worked together in the digging up of all this stuff on Reagan. That just seemed to preoccupy them. They did the research on it. So I got caught up in it.

*Reagan and Reality, Praeger, 1970.

III CAMPAIGN SPOTS AND BIOGRAPHY FOR TELEVISION

Guggenheim: Our television was mostly negative. Our spots were negative and our half hour was very positive. It was a biography on him. It was very difficult producing that half hour for strange reasons-- I just couldn't get people in California to do that kind of film. It seems strange because here we were in Hollywood. But that film was interesting. You probably have to see it to appreciate what I'm going to say about it but it was shown--

[Phone rings.] ##

We played this film; I think you have to look at it first. I think everybody who knows Pat Brown likes it very much because he was out and very open and made you feel good to be around him. I think it was hard to capture those people who thought he was sort of an old pal, but this film sort of got inside him. We showed this film (I guess it was three weeks before the election because we were going to put it on the air for three weeks) up in this office I had rented right next to the headquarters. Gene Wyman was there, Bradley--all the people who worked closely with him over the years and in this campaign.

After the film was over there was kind of a little coughing and so forth and people sort of left the room. I said, "To hell with it," and went back to the john with them and there were all these grown men in there crying. That's sort of how they felt.

Glaser: You must have felt pretty terrific.

Guggenheim: I felt very good about it. I'm not sure anyone who hadn't known him--I think the polls were pretty clear that he was going to lose and I think they'd been through a lot together with him and were very fond of him. It made them very close to him.

Then there was something in that film that--maybe Meredith and Nancy talked about it--again, you have to look at the picture. It's a scene where he's with Tom Braden. He goes into this school

Guggenheim: and there's these little kids and he says, "You know the governor of California?" The kids shake their heads. He says, "You don't know the governor of California? You don't know his name?" They all shake their heads no. He says, "Well, do you know who the president of the United States is? But you don't know who the governor of California is?" So everybody's kind of laughing and he says, "Well, you know who I'm running against?"

Someone says, "Yeah."

He says, "You know what he is? He's an actor. You know what an actor did, don't you? An actor shot Lincoln."

Glaser: Was this scripted?

Guggenheim: No, no. It was completely unscripted. When you tell the story it sounds absolutely horrible. If you see the film then you have to make your own judgment. It was an endearing moment because of the fact that the teachers were laughing, the black kids were laughing, everybody was laughing.

So the California press got a preview of the picture and they wrote this down and they ran out to the airport and got George Murphy getting off the airplane and said, "You know Pat Brown has a film out and it says, 'Who killed Lincoln? An actor killed Lincoln.'"

Murphy says, "That's the kind of thing Pat Brown would do. He would just shoot off his mouth. That's just the kind of thing they would do in this campaign--racist."

So they started getting this tremendous criticism from Republicans calling up and saying, "That's a horrible thing."

Gene Wyman calls me up and says, "Jesus, we're getting a lot of flack on this thing."

I said, "Well, Gene, how far behind in the polls are we?"

He said, "As far as I can see we're still about ten or twelve percentage points ahead."

I think it came up to something like a million votes or 600,000 votes.

I said, "Look, we've only got this one chance. We've only got this film left. That's all we've got and everyone feels it's a very strong picture. If they generate a lot of press, people will want to see it, to see what's in it. Then they'll see they all

Guggenheim: made a lot out of nothing and they'll also get to see Brown as he hasn't been depicted before and it will be a plus."

The mistake I made was that no television program could be seen in numbers to exceed those people who would talk about this and who read it in the newspaper and everything. So it was a mistake not to take it out. It read terribly. Word of mouth was horrible. It just didn't sound right, as it hasn't to you. But in the picture it's rather sort of endearing. So that was a mistake.

Brown always said to me afterward, "If we hadn't had that thing in there, do you think we would have won?"

I said, "Governor, I think it hurt us. Instead of losing by a million votes, you would have lost by 600,000." But that was the extent of it.

Glaser: Did he accept that from you? Because that's kind of a dig.

Guggenheim: What's that?

Glaser: To say 'instead of losing by 600,000 you lost by a million.'

Guggenheim: Oh, he laughed. I never saw him get bitter. I never saw him get angry. He's the kind of person who I'm sure--I think afterwards, even with Reagan, I think he became sort of friendly with him. I think they were on programs together and talked together. But I never saw him say--he might say, "That guy's crazy," or something like that but nothing was personal. You never had the feeling that he was a bitter man or that he got vitriolic or upset with anybody.

Glaser: It was a generosity of the spirit?

Guggenheim: Yes, I think that's right. That was a thing, I think, that endeared him to people. I talked to his secretary, because when making films I used to go talk to people who were around him. The secretaries up in Sacramento said that they had worked for a couple of governors and they were terribly impressed by Brown's ability, fairness, and administrative ability, and so forth. He had a way of getting a lot done. But someone else can tell you far more about that end. I shouldn't even discuss that because it's very peripheral.

Glaser: I thank you very much for your time.

Guggenheim: You're welcome.

Transcriber: Michelle Stafford

Final Typist: Ruth S. Baseman

TAPE GUIDE -- Charles Guggenheim

Date of Interview: 29 April 1977
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Judy Royer Carter

PAT BROWN: THE GOVERNORSHIP AND AFTER

An Interview Conducted by
Amelia R. Fry
in 1977

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INTERVIEW HISTORY -- Judy Royer Carter

As Governor Pat Brown's secretary for eleven years, Judy Carter provides invaluable commentary on the governor's informal work style in this short interview. Competent and loyal, she speaks briskly of the routines of keeping up with the paperwork both in the governor's office and in his 1966 re-election campaign, touching on the response of the executive staff to such urgent issues as the 1964 initiative to defeat fair housing and the 1965 Watts riots, which led to strengthening the governor's staff in Los Angeles. For the campaign, Ms. Carter left the state payroll and worked in Brown headquarters in Los Angeles, an example of the care taken by the governor to separate executive and political activities. Soon after Brown's defeat, Ms. Carter joined him at the Los Angeles law firm of Ball, Hunt, Hart, Brown and Baerwitz. Having continued as his secretary there, she summarizes the legal and public affairs activities in which he was involved throughout the 1970s.

"He's an amazing person," she says of her boss. "He's usually doing four or five things at one time. He's delightful to work for, but it's not easy. Very seldom does he lose his temper. Then it's probably at a situation that has got him frustrated."

The interview was conducted in Los Angeles by Project Director Amelia Fry on 24 May 1977, shortly before Ms. Carter retired to settle in the northern California gold country town of Weaverville. Due to turnover in the Oral History Office staff, there was some delay in sending the rough-edited transcript to her for review. She returned it in 1981 with minor grammatical revisions and deletions of a few extraneous comments.

Gabrielle Morris,
Project Coordinator

30 December 1981
Regional Oral History Office
Room 486 The Bancroft Library
University of California at Berkeley

PAT BROWN: THE GOVERNORSHIP AND AFTER

[Date of Interview: 24 May 1977] ##

The Governor's Sacramento Office: 1961-1964

Fry: We can start in on how you first went to Pat's office. Now, you just told me that was in 1962. Is that when you first started working for him?

Carter: No. I guess actually it was in about '61 probably, because it was just before the campaign with Nixon was getting geared up again. I went into the press section then.

Fry: Were you a newspaper person at that time?

Carter: No, I wasn't as a matter of fact. I was just working for the state at the Department of Finance. I just went over and applied for the job, and that's where they put me.

Fry: Oh, really?

Carter: Yes.

Fry: And you just got it. So, what was your job then in '62? You first--

Carter: I was working as secretary for Lou Haas in the press secretary's office, typing speeches and typing press releases and the correspondence that they had generally in that department.

Fry: How did Pat get his speeches written?

Carter: He had a speech secretary. At that time-- I can't remember what her name is. You probably have it in--

Fry: Pat Sikes? [Patricia G. Sikes]

- Carter: Pat Sikes was writing his speeches. Then, of course, everybody in the press section and some of his other cabinet members would go over them, depending on the subject of the speeches, and make their changes. The Governor would then make whatever changes he wanted; they would finally come out in the finished product. The press section would then type the speeches if we were distributing a whole speech, or take excerpts out of it and write up our press releases to distribute to the newspapers.
- Fry: Were you there when they decided that, and convinced Pat, that it was more important and a lot easier if he would read speeches rather than give them off the cuff?
- Carter: I think I was probably there and heard discussions of it, but at that time I wasn't that close to the speeches per se. So, I didn't get that involved with it.
- Fry: I wondered, of all the governors, if Pat wasn't the most difficult to handle by the press secretary because he is so open. He really says what he thinks.
- Carter: I think you're right there. He never followed the speeches exactly anyway. He still doesn't.
- Fry: Can you think of any examples?
- Carter: No, I can't think of any specific examples. But I know he would never follow them precisely the way they were written. He would always change them a bit; he still does. He dictates them to me now and changes them.
- Fry: Changes them after they're dictated?
- Carter: Yes.
- Fry: What about having to go back and rewrite a lot? Was this a problem?
- Carter: I can't tell you how much was done at that time, because if the speeches started out in the press secretary's office they would be typed once, and by the time they got to us they were pretty much in finished form except for whatever changes the press men wanted to make on them. So, we'd be down to about the final draft at that point. I don't know how much. I know he changes them a lot.

Proposition 14: The 1964 Fair Housing Campaign

- Fry: Before we turned on the tape recorder, you told me that in '64 you did the fair housing campaign in the southern California area.*
- Carter: Right.
- Fry: You ran the office?
- Carter: No, no, no. I was just working with Lou Haas in the press section getting out press releases.
- Fry: And Dick Kline?
- Carter: Yes. Dick Kline was the campaign manager for that. Lou Haas was in charge of the press.
- Fry: What sorts of things did you have to cope with from the opposition? Maybe we better add, you were for "No on 14," right?
- Carter: Yes.
- Fry: Okay. Now what did you have to cope with from the people who did not want fair housing?
- Carter: They were very, very bigoted people who just wouldn't even consider the other side for the most part. They were not reasonable in listening to the pros and cons of the whole thing. I didn't get that involved in any public things because I was in the office. I know that there was a very heated campaign, because if you were for it you were for it, and if you were against it you were usually violently against it.

*Proposition 14 on the November 1964 ballot was an initiative constitutional amendment to repeal the 1963 Rumford Act, a "fair housing" statute designed to relieve racial discrimination in the sale or rental of real estate. The initiative passed 4,526,460 to 2,395,747 but was later declared unconstitutional by the California state superior court and the U.S. Supreme Court.

Fry: What about working with the newspapers down here? Were most of the newspapers coming out against fair housing?

Carter: Most of them were against fair housing.

Fry: Like the L.A. Times?

Carter: I can't remember what the Times's position was in that. That's going back a long time to remember. A great deal of the papers were not for fair housing at all. One of the great problems was the wording in the proposition itself, because then by saying "No on 14" people thought that they were voting for something different.

Fry: No on 14 meant yes on fair housing.

Carter: Yes on fair housing. Getting that across to the people so that they understood was a great problem.

Fry: Yes. Did you find that this was one of your major efforts?

Carter: It was. It was one of the things that we explained a lot.

Fry: No means yes.

Carter: Yes. Then when you dealt down in Los Angeles or in southern California with people who perhaps weren't quite as literate, and they couldn't understand. Your Mexican communities and places like that had a very difficult time understanding the wording on that ballot. So that was a problem.

Fry: Even though it would have been in their interest.

Carter: Oh, yes. They were for the fair housing, but they didn't understand the wording on it well enough to be able to even know how to vote. So that was a major part of what we were trying to convey.

Fry: Later after it lost, was this one of the things that you felt was the major cause of its losing?

Carter: No, I don't think it was. I really don't think that the wording was. It was not a wealthy campaign. We certainly didn't have the finances that the other side had either.

Fry: How and why did you go from the governor's office to that campaign? The No on 14 campaign office was separate from--

Carter: It was separate, yes. The press secretary Lou Haas and Dick Kline were going. They just wanted someone else to go from our office and they asked me. So I said I would go and work on the campaign with them.

- Fry: Was Rumford involved in that campaign?
- Carter: How much communication he actually had with our campaign office I don't know.
- Fry: Was the campaign as separate as I think it was? You had your own fund raising and your own money?
- Carter: Yes, but where the funds came from I really couldn't tell you. Probably Dick Kline or someone who worked in charge of the campaign would have to tell you. But it was totally separate. We didn't get money from the governor's office or from the state. We had to have our own fund raising.
- Fry: After that campaign you went to the governor's office?
- Carter: In Los Angeles.
- Fry: Why was that?
- Carter: They had needed a secretary in the L.A. office. Sacramento had called and asked if I'd be interested in going down there. The girl who'd been there-- I don't know whether she quit or left or what. But they needed someone else down there, and so I said I'd go.

The Watts Riots and the Development of the Governor's
Los Angeles Office

- Fry: The thing I'm really interested in is the development of the governor's office in Los Angeles. This was certainly the area where the votes were, one would expect them to have a big office here.
- Carter: It was a large office in terms of space, but there were no people there. [laughter]
- Fry: Just you?
- Carter: When I first went there there were many days when I would be the only person there to answer the phones and try and help the people who were calling.
- Fry: That was in 1965?
- Carter: It would have been in the fall of '64. See, the election

Carter: was in November, and I went down there as soon as the election was over.

Fry: I thought maybe this situation continued through '65.

Carter: It continued until--the riots started in, what, August of '65? The dates escape me, but I think it was 1965.

Fry: They lasted from August 11, 1965 to August 16, 1965.

Carter: Yes. It was summertime. Really, until the riots it was a very small office. Still it was continued. When the Governor was in town he was there. He had other staff come in with him, of course, who were flying with him all the time. Other than that, many days there would be no one else there but me.

Fry: Pat Brown was out of the country when the riots began.

Carter: He was in Greece.

Fry: If you can remember today--here you were in the governor's office in Los Angeles and the Watts riots broke out. How did you find out that they were occurring?

Carter: We started getting lots of phone calls. It's very hard to remember which came first. I know the governor's office sent down some of the men from Sacramento that morning, or maybe it was Sherrill Luke. I can't remember who came in first.

Fry: You mean before the riots started?

Carter: Just about the time when the riots were starting to explode there were a lot of problems, which the governor's office was aware of, probably minor incidents, before they became a full-blown riot.

I think it was Sherrill Luke who came in first, early in the morning; I'm not sure. Maybe somewhere else you might find who it really was who truly came in. I think it was Sherrill Luke. He was secretary of urban affairs in the cabinet then. You probably know who he is or have talked to him.

Fry: I haven't.

Carter: He's a black attorney, and he was in charge of urban affairs in the cabinet, I think, at that time. Problems were occurring that morning early, before it was really termed a riot. We were aware of the situation that was building out there, and the phones were going crazy with people calling.

Carter: After Luke came in then the governor's office sent down a lot of other staff members from Sacramento. I probably can't even remember to tell you just who it was. I know Roy [Ringer] was in there and Bob Chick was in there at that time. The A[ttorney] G[eneral]'s office--

Fry: You're talking about permanent staff from the office?

Carter: No, no. This was people who just came in that day. Sacramento just sent lots of people in. They sent down two or three girls to help, because by that point we'd gotten to the point where the press was up there talking all the time. We had to order many more emergency telephones for our use and we had to have them installed right then. We couldn't wait. Dick Kline was there too. That's another person who came in. We ordered emergency telephone service. We were basically locked in the building. They wouldn't let us leave. The state police had taken every--no one else was in the building, you see. There were some people in the AG's office, some attorneys.

Fry: Were you very far from the AG's office?

Carter: No. I think it was only on the floor below us, or two or three below us. It was in the same building. But we were there for probably thirty-six hours or so without going home. The state police were bringing us food. We ordered all the extra telephones and set up pay phones for the press to use. I can remember typing the emergency curfew orders for the AG's men because, I guess, they had no girls downstairs. Just the attorneys were down there. By then we had gotten two girls from Sacramento in to help with what we were doing.

The sequence of these things I really can't put together. If I read someone else's account maybe I'd say no, it wasn't right. We did have a big meeting with people from the community, with the ministers and some of the leaders from the communities out there. [Lieutenant Governor] Glenn Anderson came in. Whether he came in before we had the big meeting or if he came in after that, I honestly can't tell you. He came in at some point. Then Governor Brown came back from Greece and got in around midnight one night and took over.

Fry: Why were you locked in the office?

Carter: We couldn't really go home. It was like an emergency situation where they didn't want anyone else coming into the building. I don't mean to make you think they wouldn't let us go home,

Carter: but we had to stay there to work. The phones rang twenty-four hours a day. There were things to do. In fact most of the decisions and what they were doing with the national guard was being decided in our office with the attorney general and the people from the governor's office and the lieutenant governor in there. So we were open twenty-four hours there. In fact you really couldn't tell the difference between day and night as far as phone calls slowing down or the work. It was just the same. So they didn't want just anybody walking in the building because they were afraid of threats and violence.

Fry: What about people who had actually been on the scene at the riots and had a first-hand report of what was going on? Could these people get in to give you information?

Carter: I don't know how they were deciding who could come in and who couldn't. We had the meeting with the people from the community. There was a lot of highway patrolmen and state police there watching who came in. I think that most of them knew who the people coming in were before they ever got up to our floor. We had some of the men in the office who went out to the scenes of the riots and then came back and were telling us about what was going on.

Fry: Did this include any of the names that you mentioned?

Carter: I'm trying to think who went out there. Dick Kline might have gone out there. John Billett, I think might have gone out there. He was someone who had come down from Sacramento. I think John Billett was probably a legislative secretary at that time. I can't remember what his title was. Probably someone from the AG's office must have gone out there with them too. They flew out in a helicopter and went out on the line and then came back to the office.

Fry: In this meeting with the ministers were there other people from the community as well?

Carter: Yes, I think they had community leaders, probably some of their outstanding citizens.

Fry: Did that meeting last very long? What did they talk about?

Carter: I wasn't there, so I couldn't tell you. They had it in the governor's office and I wasn't in there.

Fry: Do you know the results of it?

Carter: The meeting took place when the riots were building up, but

- Carter: I think the people at the meeting were trying to avoid what happened the next day--which was probably a Saturday when it really got out of hand totally--by trying to work with these people, and have them go back and see what they could do.
- Fry: Were you able to observe enough of what happened to know, as you look back on it now, if any action that was taken escalated the riot, or if any actions that were taken helped to keep it from getting worse than it actually was?
- Carter: No, that's hard to say. No. I wouldn't even want to give an opinion, because I really don't know whether what we did was right or wrong. I know everybody genuinely felt what we were doing was [helpful?] because they were trying to keep it under control or stop it as best they could. But it's very hard to say, you know, in looking back. You could go back ten years before that and say if you did this differently that wouldn't have happened.
- Fry: Was there a difference of opinion here between any people, like the law enforcement community and the attorney general's office, and what the governor's people thought should be done?
- Carter: Certainly there were differences of opinion probably even within the governor's office from the staff people, because nobody had really ever gone through this kind of a situation. So what you had was a lot of people who were very brilliant, each in their own field, trying to say this is the best thing to do. In the discussions, even on the curfew, everybody had an input to see which is better. Is it better to have it or better not to have it?
- Fry: Whether being stuck with enforcement or something like that was going to create worse problems.
- Carter: Right. When to call out the national guard--these were all things that everybody was just taking everyone's advice and weighing all the evidence and seeing which is better to do.
- Fry: Some, I guess, were pretty committed to their point of view.
- Carter: Yes, some of the people certainly were. The sequence of how we got to making the curfews I really can't remember. I can remember everybody sitting around discussing it. Who said what, I couldn't tell you because it's a long time ago.
- Fry: Yes, and there have been lots of books and things written on this since then too.

Carter: Yes, exactly.

Fry: It's kind of good to have your own account of what it was like to be in that office.

Carter: Yes. Yes, it was certainly an experience.

Fry: One of the things I read was that what came out of all this for the Governor was that he did deliver a major address to the state on this after everything had sort of calmed down and apparently won an awful lot of support after that.

Carter: Yes, the situation could have gotten much worse than it was. It was bad. Not to say it wasn't a bad situation, but it probably could have really blown up to where the whole city could have been burnt. They could have moved out of that one area. So, I think there's no question about it, that it was probably handled in the right way.

Someone once said to me after we had gone through that, that it was like living in a command post in a war, which when you think about it, it truly probably was, the closest maybe that I, or a lot of people, would ever get to that kind of a situation.

Fry: After it had--not resolved--but after it had blown over, what effect did this have on the governor's office in Los Angeles?

Carter: We kept more staff down there. For one thing we had Alex [Alexander H.] Pope in our office, who was doing a report on the riots, or perhaps not specifically on the riots, but what some kinds of solutions might be and what should be done in Watts to help them. He's an attorney in L.A.. He and his secretary were there for a couple of months working on this report.

We did build up the staff, then, after that. It seems to me we probably had a couple of people there almost all the time, a couple of men. We got a receptionist after that, so that I was freed a little bit from the phones.

Fry: Was Pope black or white?

Carter: He's white.

Fry: Was there any thought of putting a governor's representative in a store front office in Watts?

Carter: Not that I heard, although there could have been. Somebody could have discussed it. But, no I didn't hear that.

- Fry: What sorts of problems, besides this rather spectacular one, did you handle in the office? Could you give us a range?
- Carter: There were really no other specific problems that I can remember. People would call in and they'd want information or they'd want help. Mostly what I did was just talk to them, try and find out what they needed, and try and find the right department or somebody who could help them.
- Fry: In other words they needed help with something in state government, or their own problems.
- Carter: In state government, and they wouldn't know where else to call, so they'd call there. I would get the information and try and follow through on it. Other than that I did still type a lot of the the speeches down there, and I just did general typing for the fellows who were there. When Pat was down I would do work for him.
- Fry: Did he come in more often after that?
- Carter: After the riots he did come in a lot more often. Now I wasn't there a whole long time after the riots, because I then left and went into the campaign office in '66. But after that we built up and we never really dwindled down to one or two people again. They kept it pretty adequately staffed and kept at least two people in there.

The 1966 Race: Campaign Organization and Speech Writing

- Fry: It's good to talk to somebody who was in southern California during the 1966 campaign, because in northern California everybody always says that campaign was really the one that was run from the South. I suppose after that all campaigns have been run in the South, where the votes are.
- Carter: I think it probably was; there's more votes down here. So it makes a lot more sense to do it from here.
- Fry: Sure. You're in the center of the vote-getting area. Could you tell me about the campaign office and how it was set up?
- Carter: Don Bradley was in charge of it. We had a lot of bosses, [chuckling] a lot of people in charge.
- Fry: That's what's difficult for historians later, determining

Fry: whether a particular person was a campaign manager in title or in actual function.

Carter: I know. I would have to say Fred Dutton was also in charge. Everybody had sort of their own little thing they were in charge of. But, then they all liked to overlap each other. It's very hard to say, "Well, he really only did this", because they all sort of mixed in. But certainly Fred Dutton was involved as an advisor to the Governor.

Fry: He was sort of number one--?

Carter: No, actually I'd say Bradley was the number one voice in our office here.

Fry: He was the one where the buck stopped?

Carter: I think so.

Fry: Or you didn't have a place where the buck actually stopped?

Carter: We didn't really, no. It kept going back and forth.

Fry: It didn't move upward? It does sound a little confusing.

Carter: Joe [R.] Cerrell was in the office there. I think I gave you the other names of the press fellows who were there.

Fry: Yes. Let's see, I have Lou Haas and Dick Kline, Harry Lerner, Roy Ringer on speeches, Tom Moore. Don Bradley was the manager, and Chuck [Charles N.] Winner was an advance person setting up events. Frank Cullen was handling volunteers.

Carter: Yes, Bradley[?] was sort of in charge of the office, seeing that everything ran in the office.

Fry: Inside the office?

Carter: Yes. Yes.

Fry: How did Dutton and Bradley get along?

Carter: I really couldn't tell you because the way physically that we were set up was the press had its own little room, because we were so noisy with the teletypes and the machines going that they put us in the back. We had partitions around us. Unlike most of the rest of the office which was open, we were sitting in the back.

Fry: Who was handling the press?

Carter: Lou Haas was in the office all the time. He was basically in charge of the day-to-day press operation. The other fellows like Ringer and Kline travelled a lot with the Governor and worked on things with him. If he was in northern California they might be in northern California with him, where Haas was here everyday in the day-to-day press workings. The other fellows would go with the Governor, or they'd be in Sacramento or San Francisco.

Fry: Who handled the campaign materials, the brochures and bumper stickers and things like that? Was that all handled through Don Bradley?

Carter: We did a lot of work-ups in the press department on campaign materials, but I don't know who else did. Someone else must have been in the office. I can't tell you who did. Lou might be able to tell you.

Fry: Were you in a position to know how much control Pat Brown had over all this?

Carter: No, I wasn't really. I know he didn't come in the campaign office at all.

Fry: He was out meeting voters?

Carter: Yes.

Fry: What about relationships with grass roots organizations in the communities.

Carter: We had lots of volunteers coming in. I couldn't tell you who was coordinating that because I can't remember, but we did have volunteer coordinators. When you're working in the press typing speeches and doing the press releases, you get totally involved with that. You really don't even see what else is going on outside of that department because that's a very time consuming job.

There were so many people reading the speeches that they were changed a lot, in the campaign. That wasn't really because of the Governor. It was because everybody in our campaign office seemed to want to read the speeches, and they'd all have their own changes to make.

Fry: They were sending their changes to you?

Carter: Most of the people making changes were right here in our office in L.A. If not, we teletyped the speeches to San Francisco or Sacramento, wherever the people happened to be, then had to wait for the changes to come back before we could get them out. So we were getting the speeches out just a few hours before we needed them during the '66 campaign.

Fry: With all the changes incorporated?

Carter: Yes.

Fry: Then at what point did Pat have a say in all this?

Carter: After they were pretty much all done. Down here Don Bradley liked to read them. Fred Dutton liked to read them. Hale Champion certainly always wanted to read them. The press secretaries--Haas and Ringer and Kline--all were reading them. If the speech pertained to a certain subject like mental health, then any other experts that the campaign might need from the different departments (directors, public information officers) would also want to read the speech.

During the campaign a lot of these men travelled with the Governor or were in the San Francisco headquarters. So we were constantly teletyping entire speeches back and forth. We had a teletype right in the press secretary's office then. So we used that to make our changes on.

If he happened to be giving a speech in San Francisco, we may have started down here writing it, got all the changes, and then teletyped it up to our San Francisco headquarters. Then they would be responsible for typing it for him. There are lots of outgoing things and it is always a deadline. You get so wrapped up in it you don't even know what's going on next door. [chuckling]

Fry: What were your most difficult newspapers to deal with?

Carter: Newspapers, I can't remember which ones we had the most trouble with. I can remember we had lots of problems with George Putnam, I think that was his name. He was a commentator on television, always giving us a hard time. He had his own news show. Oh, he was terrible.

Fry: Where was he from?

Carter: From southern California.

Fry: Was he a conservative in general?

Carter: Yes.

Comments on the 1966 Defeat

Fry: Why do you think Pat Brown lost?

Carter: Well, I think it was a combination of things. I think that the problems he'd had up in Berkeley, the Watts riots--a lot of people were just ready for a change. I can't say it was any one special thing. I think it was just a combination of people wanting a change, and the riots. The riots certainly had a lot to do with his loss. People just felt that maybe with the next person we wouldn't have those problems.

Fry: Were you in the L.A. campaign office during the primary too?

Carter: I'm trying to think when I went over there. Yes, I was.

Fry: A lot of the Democrats thought that [George] Christopher might win and that he would be the harder candidate to beat.

Carter: In retrospect, I think that was a mistake though. But I know a lot of people said they felt it would have been easier had Christopher won the primary. It would have probably not been as disastrous for us. But, you never know. It could have been.

Fry: There were a lot of big guns from Pat Brown's campaign, as I understand, pulled out against Christopher in the primary so that possibly Reagan would win. A lot of Pat Brown's attacks were directed more to Christopher. Is that your impression?

Carter: Yes, a lot more attacks were directed to Christopher than to Reagan during the primary. Someone who could tell you about that would be Harry Lerner. That was the kind of thing that he did in the campaigns.

Fry: Yes, he did pull out the milk scandal on Christopher, didn't he?*

*Twenty-six years earlier George Christopher was convicted of a misdemeanor in connection with his dairy business. Columnist Drew Pearson printed the story during the 1966 campaign.

Carter: Yes, I think so.

Fry: So, we can ask Lerner about the Christopher strategy.

Do you think anything else that Pat had done backfired on him, besides the riots, which were sort of something nobody could help?

Carter: No, I can't.

Reflections on Brown's Achievements as Governor

Fry: Do you remember anything from your press releases and so forth that you had to justify over Brown's eight years as governor?

Carter: No. You can talk about all the good things someone has done, but people really don't listen. They remember the bad things or the things that make the headlines in terms of something they don't like. You could sit and tell people about the water project and how much good it was doing and about how our education system was improved. But people take those things for granted. They do not stop to think that one person might have been greatly responsible. Certainly our educational system was improved under Governor Brown 100 percent. But, people sort of take those things for granted because the things are there. They don't stop and realize, "Well, if Brown hadn't done this we wouldn't have it." But, on the other hand if there's something bad, then people automatically just take that in.

Fry: Was this the main strategy of that campaign, to stick to Pat Brown's record as governor and just try to ignore all the negative attacks that were being made and to talk about his programs and budgets?

Carter: As far as I can remember from typing speeches, I'd have to say yes. But I was not involved in anything else. I was involved in doing his speeches, and basically that's what we were talking about, his programs and what he had accomplished.

Fry: When you were working in the Sacramento governor's office from '62 to '64, did you get in on any of the campaign against Nixon in '62?

Carter: No, I really did not, other than what related to the office in Sacramento.

Fry: Were you there before the election?

Carter: Yes. Most of the press releases and things going out from our office, though, were more state related. You have to keep the two separate. So I was into it only insofar as you deal with the campaign offices by giving them information, or you try to help them. But you have to keep the two so separate, you know.

Fry: Yes, you have to use your campaign finance funds for one--

Carter: For one thing. You have to keep the two so totally separate.

Fry: How did Pat do that? In Earl Warren's office they did try to put everybody on a totally new payroll that was outside the governor's office when he had to run for governor.

Carter: That, I guess, is why we had the campaign offices separate and apart and not even in the governor's office. As I did in '66 when I left the governor's office downtown and went to the campaign, I went on the campaign payroll and my state pay stopped. So you then go on the campaign payroll, which is financed by your fundraising.

Pat Brown After the Governorship

Fry: Then after that campaign was over and lost, did you move here to the law office with Pat?

Carter: I did. First we went back to the governor's office until December, until the end and cleaned up and packed our files.

Fry: For The Bancroft Library.

Carter: We did whatever else had to be done. I didn't come here immediately with him. We had talked about it. He was going on a trip--I think to South America. I can't remember where he was going to go. In the interim I had had another job offer and I took it. I went there for about three months. By then he had come back and he called me, and so I came back over here. So I was gone for those few months there in the beginning.

Fry: So you've been working for Pat for eleven years.

Carter: Longer than that.

Fry: I mean after his governorship.

Carter: Oh. Oh yes, afterwards.

Fry: You can help a lot, then, in giving us an idea of Pat Browns's many projects after he left the governor's office.

Carter: Yes, probably.

Fry: That's hard to gather up because he has not had the exposure to the media since he left office.

Carter: No, he hasn't.

Fry: This is Ball, Hunt--

Carter: Hart, Brown and Baerwitz.

Fry: Thank you. Ball was an old friend, wasn't he?

Carter: Joe Ball and he were friends for years and years, right.

Fry: What is Pat's function in the law firm? Is it mainly to attract business? Or did it evolve?

Carter: I guess it's evolved a lot. He's never practiced law per se as to going into court, because most of the judges are judges he's appointed, although there are getting to be fewer of them now; there's a few new ones. But, he had never done that kind of practice. I don't think I've ever typed a complaint or a pleading for him since we've been here.

He brings in business, certain kinds of cases that are dealing with state agencies or with the federal government. He's very good at negotiating these kinds of things and sitting these people down and meeting and working out whatever their problem might be. Those kind of cases he does handle himself. If somebody might be having trouble with a state agency or whatever, he can get the people together and sit them all down and talk it all out and get this person to do a little bit more and this person to do maybe a little less. He can get them to work out their differences.

Fry: Are these things like government contracts?

Carter: No, not really contracts. I'm trying to think of a for-instance. For instance, just lately he's had this school for autistic children that was having trouble. They had a license from the state and they were having some problems getting the state to renew their license. So he went to the Department of Mental Hygiene, and he's been talking to the department and working with these people at the school so that they understand what

Carter: the state expects out of them if they want their license. I don't mean he's saying to the state, "Hey, you have to give them this because they're my client." But he's good at dealing with those kinds of problems and sitting all these people down and getting the school to say, "Okay, we'll go along with the rules," and "Now we understand." He's very good at that kind of thing.

Fry: Also he's with an oil company.

Carter: Yes.

Fry: What's the name of that?

Carter: Perta Oil.

Fry: Is that the Indonesian one that he's always refering to when he travels to Indonesia? He told me that they did get a contract to import so many thousands of gallons of oil.

Carter: Yes, they have some contracts. I couldn't tell you what their contracts are.

Fry: Is that a part of the law firm?

Carter: No, they're not. No, that has nothing to do with the law firm.

Fry: At some point Pat mentioned too that he has some interests in the steel industry now. Do you know--?

Carter: Well, I can't tell you what their structures are up there. But, USIIC [United States International Investment Corporation] and Perta Oil offices are together. The same people work and are on both those boards. So, they do. USIIC deals in steel.

Fry: Is there someone else here in the firm who is also in Perta Oil, one of the partners?

Carter: No. His old friend, Joe Alperson, used to own the steel company. He's upstairs.

Fry: I just remember meeting somebody in steel at lunch with Pat one day.

Carter: Maybe it was Mr. Alperson. An older man?

Fry: Yes.

Carter: Probably, because Joe and he have been friends for years and

Carter: years, going way back to when he was in public office.

Fry: Yes, they had been old, old friends.

Carter: Yes, that's probably who it is then, Joe Alperson. He's on the tenth floor upstairs.

Fry: What else has Pat been interested in?

Carter: Let's see. He's probably told you, after he came to the firm he was special ambassador to the isle of Tonga. That was during the Johnson administration. He went over to Corregidor as a special ambassador when they dedicated a monument over there. He was appointed to the Income Maintenance Commission. That's the commission, I think, that was to study the welfare program and make recommendations for reforming it. That was a presidential commission.

Fry: From Johnson?

Carter: I think that was under Johnson. It doesn't sound like welfare at all, but that's what they did; they studied welfare. In fact, I think I have a couple of their reports that they finally came up with.

Fry: Is that commission still around?

Carter: It's no longer in existence. They've made their report. That was years and years ago when we first came to the law firm.

Fry: We'd like to have a copy.

Carter: It's a thick report.

Fry: Yes, somehow they always are.

Carter: The Income Maintenance Commission was composed of attorneys, some big businessmen, and I think there were some congressmen or representatives on there too. They went around to different areas throughout the United States and had meetings with the people, with the administrators of the different systems. Then they wrote to the president on what they recommended for reform.*

*Poverty Amid Plenty: The American Paradox. The Report of the President's Commission on Income Maintenance Programs. Ben Heineman, chairman (Washington, D.C.: Government Printing Office, 1969).

Carter: Ben Heineman was chairman of that commission.

Then, of course, Pat Brown was chairman of the commission to reform the federal criminal code. That commission is no longer in existence per se. But, their recommendations are still in the form of bills.##

Fry: He was appointed to this in the Nixon administration?

Carter: I'm going to have to check the date and make sure, but I think it was Nixon who appointed him to this commission.*

There was a Professor Louis [Brown] Schwartz from Pennsylvania Law School and Bob Kasten and Abner [Joseph] Mikva. I have a list of them if you want them. It's probably easier than trying to remember who else was on that commission. There were several judges on there and some attorneys. Their recommendations are still in the form of bills. I guess it's been two years now, and each year the bills that they present get chopped up till nobody agrees on them. Then they start all over ground one again.

Fry: That's Senate Bill 1, that was handled this year when the Congress opened. Walking the tightrope between the civil liberties people and the law enforcement community is the job of this commission, I gather.

Carter: Right. They've gotten ideas from everybody, and now they're trying to get something passed that's agreeable to everybody. But, every year it just gets to the point where the bill doesn't look like anything anybody will accept, and then it just sits.

Fry: Once it goes through the committee procedures in the Congress--

Carter: The bill has changed so radically that they can't accept it.

Fry: Is there anyone in particular in Congress that Pat Brown is corresponding with?

*Lyndon Johnson appointed Brown to the commission in 1966. Its report was submitted to Richard Nixon in 1971. See: U.S. National Commission on Reform of Federal Criminal Laws. Final report: a proposed new federal criminal code. Edmund G. Brown, Sr., chairman (Washington, D.C.: Government Printing Office, 1971).

Carter: He's been writing to all of the congressmen who were on the commission. Senator [Edward] Kennedy has now picked up on this. He was not on the commission, but he is now working on SBl. So, he [Brown] has corresponded with him. Ted Voorhees was an attorney who was on that commission. Now he's back at Catholic University in Washington. He's working a lot with the congressmen on the legislation to get it through this year. Governor is sort of using Voorhees and Lou Schwartz at Pennsylvania Law School as coordinators. They get things for him and communicate with him, and if there's anything they need from him he's more than happy to do it. In fact he's going back to Washington on June 7 to testify, they're presenting a form of this bill or some portion of it. He's vitally interested in getting that through.

Fry: He's also on some kind of environmental commission here in the state, isn't he?

Carter: Yes, the California Council for Environmental and Economic Balance. He's the chairman of that commission actually. Their offices are in San Francisco. Mike Peevey is their executive director.

Fry: This is a council made up of both members from the business community--

Carter: And labor. They try to get environmentalists and economists. They have people from all walks of life. So, they get a good input into it.

Fry: How long has this been going on?

Carter: My gosh, that's been on for about four or five years now.

Fry: Who created it?

Carter: I can't tell you for sure. I have the first annual report that we put out.* I'm not even sure if that gives the story of how it was first created. Did you ask him?

*California Council for Environmental and Economic Balance.
First Annual Report, Edmund G. Brown, Sr., chairman.

Fry: No, I haven't talked to him at all about this.

Carter: He might be able to tell you. We can look at the report and see if it tells, but I don't think it does.

He is still on that commission; it meets all the time.

Fry: What has it produced so far in the way of paper?

Carter: They've produced tons of paperwork. The first year we got an annual report that told what their goals were. That might give you a little background on it. Since then they have set up committees on the clean air act and on all these different state acts. The council discusses them and makes recommendations as to whether or not they would be good. They're really trying to help keep some kind of balance

Fry: Do these recommendations go into legislation that the Governor then tries to get through?

Carter: No, I don't think so. Mostly what they do is have committees and work on things that are already a bill, to give their views, whether they're for it or against it.

He's also a member of the Franklin Roosevelt commission, for the memorial in Washington. in there when he was talking to the architect, [Lawrence] Halprin, in San Francisco.

Fry: Yes, I was. The Governor's position on this is as a commissioner?

Carter: I guess that's what you'd call him. He's not chairman. Gene Keough is chairman of it. So I guess you'd just call the Governor a commissioner. I think Mr. Keough used to be a congressman years and years ago. I think he might have been a congressman or a senator years and years ago.

Fry: So the Governor was on the Income Maintenance Commission, the commission to reform criminal law, California Council of Environmental and Economic Balance and the Franklin Roosevelt memorial.

Carter: He taught political science one semester out at UCLA.

Fry: How did he like that?

Carter: He enjoyed it because he enjoys talking with students.

Fry: Was this an actual class?

Carter: Yes, it was.

Fry: He saw it through from the beginning of the quarter to the end?

Carter: Yes.

Fry: Sometimes they bring in special people just for seminars.

Carter: No, he actually went once a week out there to the class. He enjoyed it.

Working for the Governor

Fry: Could you describe how Pat Brown is to work for?

Carter: He's a delightful person. He really is. He's just amazing.

Fry: [Chuckling] I'm amazed at how fast he can go on things, handle two or three things at once.

Carter: He has not slowed down in the time I've been with him at all.

Fry: Things seem to run through his head simultaneously.

Carter: They do. They do all the time. I notice it because when he's dictating a letter he's already to the end of that letter and on to the next one. He'll sometimes stop in the middle and start something new. He doesn't realize it. You've heard him when you've been in there when he's making phone calls. He's usually doing four or five things at one time, which is going to be the hardest thing for his new secretary to get used to, whoever she's going to be [chuckling].

Fry: Yes, that must be really very demanding on a secretary.

Carter: It is.

Fry: You have to sort it out.

Carter: You have to sort it out and decide which he really wanted you to do and why and when. He's delightful to work for, but it's not easy. It really isn't.

Fry: Does he ever lose his temper?

Carter: Very, very seldom. I've seen him do it only a few times. Then it's really not at you. It's probably at a situation that's got him just frustrated. He may shout or--

Fry: Exasperation, you might say.

Carter: Yes, just kind of scream or holler, and it's over that quickly. He really is not a person that ever holds a grudge or gets angry at any one person for anything. It's just more the situations that exasperate him.

Fry: Well, I keep trying to talk to somebody who has worked for Pat Brown who could tell me a few of his shortcomings, and I haven't found anybody who is really willing to own up to any yet.

Carter: He's just an amazing person. Like he's always saying he should slow down because he really shouldn't keep doing all these things he does. But that's him.

Fry: He seems to be very vigorous and in good health.

Carter: He is. He keeps a schedule that I would probably say most of our younger attorneys wouldn't be able to keep. He's in the office here in the mornings usually fairly early. I guess the latest he ever comes in is probably nine or nine-thirty. But he's already been up and reading at home or gone to a breakfast meeting and then comes in the office. Then at six or six-thirty a lot of times he's still here on the phone or dictating.

When he makes a trip to Washington or wherever he's going, if he has reason to stay he does. If not he goes to that meeting and he'll come right back and just make it a day trip or a day and a half, and he's right back in the office doing his work. He gets involved in so many things at one time. He really keeps going.

Fry: I really do thank you. Do you have anything else that you'd like to cover?

Carter: No, I can't think of anything else.

Transcriber: Teresa Allen
Final Typist: Karin Rosman

TAPE GUIDE -- Judy Carter

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Norman Elkington

FROM ADVERSARY TO APPOINTEE:
FIFTY YEARS OF FRIENDSHIP WITH PAT BROWN

An Interview Conducted by
Julie Shearer
1978-1979



NORMAN ELKINGTON

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INTERVIEW HISTORY

California Court of Appeal Justice Norman Elkington is a member of that interesting political persuasion, a Republican supporter of Edmund G. "Pat" Brown. A friend since 1929, Elkington was also colleague, fellow Republican, fellow founder of the reformist political group New Order of Cincinnatus, chief assistant district attorney under Brown, Brown's campaign manager for the 1946 attorney general race, and chief assistant attorney general. Brown appointed him Judge of the Superior Court in San Francisco in 1959 and Justice of the State Court of Appeal, First Appellate District, Division One, in 1966. These oral history interviews recount an interweaving of their friendship, political fortunes, and careers.

Born in Napa, California, on May 26, 1903, Elkington moved with his family to San Francisco shortly after the earthquake and fire. There he attended public schools, until at the age of fifteen he dropped out of high school to join the army and fight in World War I. He served with honor in the army and navy for five years. After his discharge, he entered St. Ignatius Law School (later the University of San Francisco) where he was accepted as a special student at the age of 19 (his military service and experience as an electrician were considered equivalent to a high school education). In 1925, Elkington married the former Georgia Gilcreast. Two years later he received his LL.B., and four months later he was admitted to the Bar and entered private practice.

Elkington and Brown first encountered each other as opponents in the courtroom of a referee in bankruptcy. Elkington recalled, "I won't say that an immediate friendship ensued--probably the opposite; we were adversaries. I think it did start somewhere along the line." Then, more than two years later, "I was walking down Montgomery Street on a busy crowded sidewalk. I heard a voice, 'Hi, Norm. Do you need an office?' coming from the other side of the street. It was Brown. He was very much of an outgoing, extrovert type. That's his way--he'd shout, 'Hi Norm, need an office?'"

It happened that Elkington did need one, and so in 1932 he moved into the Russ Building to rent office space with a group of attorneys, including Brown and his brother Harold. During this informal association, their friendship was cemented, so that when Brown said, "'Norm, I'm going to change my registration'--we were both Republicans to start with--our paths kind of diverged, but not too much..," according to Elkington. In fact, when Franklin Roosevelt ran against Herbert Hoover,

Brown would speak for the Democrats and Elkington would speak for the Republicans at neighborhood improvement club meetings. However, they would go together in one automobile to make their respective speeches.

Both were founding members of the New Order of Cincinnati, a good government group of young professional men and women organized to focus political support on reform candidates of either party. Elkington remarks that their political opinions did diverge more and more as time went on, but the mutual respect and friendship endured. Brown backed Elkington in his unsuccessful race for supervisor as a member of the Cincinnati slate. Elkington backed Brown for district attorney in 1939 and 1943 and joined the DA's staff after Brown was elected. Elkington describes with admiration Brown's energy and vigorous prosecution of gambling and abortion operations which had generated graft and corruption of scandalous proportions. He recalls Brown's innovations in administration (full-time staff attorneys and efficient filing systems) and in criminal investigation procedures (the suspicion booking system recommended by Bert Levit, who was brought in by Brown to help reorganize the DA's office).

With obvious relish, Elkington recalls the Alfred E. Cline case, in which six months of patient investigation and imaginative trial preparation paid off with a conviction of a multiple murderer on eight counts of forgery--forgeries proved on the evidence that the forgery victims could not possibly have given their consent to signatures since they were dead (murdered by Cline) at the time of signing.

Thoroughness and persistence against poor odds are traits admired by Elkington and attributed to him, as well. Five weeks before election day in Brown's 1946 race for attorney general against Fred Napoleon Howser, Brown called in Elkington to manage his AG campaign which had foundered for lack of funds and lack of billboards. Elkington agreed to take on the job--challenging at best, hopeless, more likely. He found that Brown, never mind the campaign, posed a challenge to a campaign manager. Brown's easy-going attitude about publicity arrangements made Elkington tear his hair, and the candidate was too kind-hearted to read the speeches Elkington had written accusing Howser of links to a gambling-boat operation.

They came to words over Brown's unilateral arrangement for a substitute speaker on a radio address that had been advertised statewide as a candidate's speech. Elkington hinted that he wanted to resign the campaign. Brown said, "Okay, if that's the way you feel, okay." Elkington spent the night stewing in self-reproach for

"abandoning the campaign." The next morning at seven o'clock Brown called Elkington to tell him how much he appreciated his help and to give him the day's assignment—"all over again. Right back where I had left off the day before. I was the campaign manager," Elkington recalls wryly.

Elkington was interviewed on December 31, 1978, and January 11, 1979. Both interviews were conducted in the judge's spacious office at the State Building in the Civic Center in San Francisco, which houses the California State Court of Appeal on which Elkington sits as associate justice. The interviews were transcribed, edited lightly, and reviewed by Elkington, who made some corrections and added clarifying details. The transcripts were then typed in final form. At this point in the process, the legal agreements governing donation of the tapes and transcripts were mislaid, and Justice Elkington requested that publication be delayed until the transcript could be re-reviewed and the legal agreements signed. This was done, and after two minor corrections, the transcript stands.

Julie Shearer
Interviewer/Editor

26 March 1982
Regional Oral History Office
486 The Bancroft Library
University of California at Berkeley

I THE EARLY YEARS

[Interview 1: December 13, 1978]##

Shearer: Could you give me a little summary of your career to give the listeners an idea of what you were doing at the time, when you first knew Pat. We have your birthdate in 1903, in Napa, but when did you come to San Francisco?

Elkington: Right after the fire and earthquake. My father was a carpenter, and there was a lot of work for carpenters down here. So, it would be somewhere in the middle of 1906.

Shearer: Where did you live then?

Elkington: When we first moved to San Francisco? On 4447 20th Street. The corner of 20th and Eureka streets in San Francisco.

Shearer: What was it like then? Rubble?

Elkington: Oh, no, that part of San Francisco was not burned. It was at the foot of Twin Peaks. I don't remember any rubble in San Francisco. I don't know whether I even got down there [to the damaged area]; I was pretty young at the time.

Shearer: Did you live in that same neighborhood and house throughout your time in San Francisco?

Elkington: Oh, no, from there we moved to 3650 20th Street. It's there that I started at school. I was told that this was the north side of 20th Street and that's just as far as the fire had progressed in the Mission District. It had burned down the house on the lot

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 55.

- Elkington: on which another house in which we lived had been built. So, we moved to the very edge of the fire devastation and then we moved two or three other times in the Mission District.
- Shearer: So, you attended all your early schooling in San Francisco. Where did you enter law school?
- Elkington: Then it was called St. Ignatius Law School. Now it's the University of San Francisco. It was out on Hayes Street, right across from the old St. Mary's Hospital.

Meeting Pat Brown

- Shearer: It was about that time that you met Pat Brown?
- Elkington: No, I didn't meet him until after I had been practicing a couple of years. We were not boyhood or high school friends as many of his other San Francisco friends were.
- Shearer: You went straight from law school, passed the bar and then right into private practice. And then when did you meet?
- Elkington: I represented some creditors of a bankrupt real estate operator. Pat Brown represented the bankrupt. Well, that's how we met, in the courtroom of the referee in bankruptcy. I won't say that an immediate friendship ensued--probably the opposite. We were adversaries. I think it did start somewhere along the line; there was nothing that really made us unfriendly, one to the other. Now that's when I first met him.
- Shearer: Who won the case?
- Elkington: Oh, I don't know if you could say anybody won. The bankrupt is obliged to put all of his assets into the hands of a trustee in bankruptcy. I represented some creditors, Clarence Linn represented the others. Linn was a judge for a while till he was defeated by Leo Friedman and then he died a short time after his defeat. But he had been in the attorney general's office with Brown for several years. That's the sort of a case that nobody really wins. At least I don't remember any particular victory or any particular loss.

Then, perhaps a year or two went by. I might have seen him in the meantime, I don't recall. And one day at noon, I was walking down Montgomery Street on the busy, crowded sidewalk, I heard a voice, "Hi, Norm. Do you need an office?", coming

Elkington: from the other side of the sidewalk. It was Brown. He was very much of an outgoing, extrovert type. That's his way--he'd shout, "Hi, Norm. Need an office?" It just happened that I did, rather badly. I had rented a small space in the old Hunter-Dulin building, now 111 Sutter--two private offices, one of which I sublet, and a office for the secretary. I was having trouble with my tenant; he wasn't paying his rent. (This was during the very bad part of the Depression, so I wanted to get out from under that responsibility. I was just a month to month tenant.) I paused and went over and I talked to Brown and asked him what he had in mind. He had just moved into the Russ Building with a group of lawyers, Brown, McDonnell, Mackin, and Brown. And there was Regis Swetmann, Ken Dawson and there might have been another--

Then I moved in--it was just that he had some extra space there. I think he had obligated himself to fill up the whole space and he and his associates needed only about three-quarters of it. So, I took one of the little private offices there. We made an arrangement to share my secretary's services. Then another lawyer moved in and that filled up the office. There were eight lawyers at that time--

Shearer: That would be Brown, McDonnell, Mackin, Brown, Muldary and Elkington--

Elkington: Muldary and I were completely independent of each other and independent of Brown. We weren't partners; we just had office arrangements.

It was there that I came to know Pat Brown quite well.

Shearer: And that was about what year?

Elkington: Thirty-two.

Shearer: And do you remember when the bankruptcy case was?

Elkington: Probably twenty-nine.

Shearer: Do you have any vivid impression or recollection of how Brown impressed you as an attorney at that point or later on?

Elkington: He was a very gregarious fellow. His interest always seemed to be political. He had a busy law practice, but his prime interest seemed to be politics right from the start.

Shearer: You mean apart from his practice?

Elkington: Well, he spent most of his time, I guess, in politics and not on his practice. That was quite unlike his brother Harold, who was just the opposite--he just stuck to his law practice and dabbled in politics, but politics was secondary. Harold, by the way has always been a Republican.

Shearer: That's what I understand. He told me that he and his brother worked both sides of the street on Brown's campaign.

Pat Brown: From Republican to Democrat

Elkington: So, that's how I met him. We were both young lawyers and this was the Depression--there wasn't too much business coming in. We had a lot of time for other activities. I think I told you that there came a time when--we were both Republicans to start with--there came a time when he told me, "Norm, I'm going to change my registration."

Shearer: This was about 1934?

Elkington: No, 1932. I think that's when Franklin D. Roosevelt first ran for president--it was when Roosevelt ran against Hoover. I'm not sure, he probably took office in 1933--

So, at that point our paths kind of diverged, but not too much.

Shearer: How so?

Elkington: Well, I was a Republican and he a Democrat. He'd go to Democratic meetings and I to Republican, and that sort of thing. But not too much. We'd go out together in one automobile and make our respective speeches and then move on.

##

Elkington: I believe now that he was smarter than I at the time and was able to foresee the Roosevelt landslide against Hoover. I think perhaps he would tell you, and maybe it's true, that he just changed his economic or sociological or political views and became a Democrat, that I don't know. That's been a subject of discussion ever since, just why Pat changed.

About then we became active--I in the Republican party for Hoover and Brown for Roosevelt.

Shearer: Excuse me, I just wanted to interject one thing. In Pat's interview, which I read not too long ago, he seems to recall actually giving speeches for Hoover with you in the early campaigns.

Elkington: Well, I don't recall that, and it would have been quite early in that presidential campaign. He recalls that he and I were speaking for the same candidate?

Shearer: Well, he remembers that you, of course, were a Hoover supporter and that he actually gave a couple of speeches for Hoover, too.

Elkington: Well, that could have been very, very early in the campaign, around the primaries, perhaps, of 1932. Because I know that I was actively engaged in the Republican campaign and I'm awfully sure that he was just as actively engaged on behalf of Roosevelt at the time of the final campaign, just before the election.

Shearer: That would be 1932 then?

Elkington: Late October or September of 1932. We were good friends; he a Democrat and I a Republican. In the next year or two or three, other campaigns came along and I remember, I guess it was 1934, that C.C. Young was running for the Republican nomination for governor and George Creel for the Democratic nomination for governor. Against them, and I think my memory's right, was Frank Merriam, a Republican candidate for the nomination and also Upton Sinclair, a Democratic candidate.

During the primary campaign, Pat and I went out and made a lot of speeches on behalf of our respective candidates. We would go out in one car; he in mine or I in his, and both go into some improvement club or somewhere and make speeches for our respective candidates.

Shearer: You mean opposing candidates?

Elkington: Well, they were not opposing then, in a sense. This was before the primaries, they were opposing other persons of their own party for the primary nomination. But in a sense they were opposing. And so we would just make our speeches, we'd get up and go and move on to another one. And I guess we'd make four or five or maybe seven or eight speeches an evening, different improvement clubs around the city. And I thought perhaps that was what he was thinking of when he said we made speeches together. I remember that very distinctly.

The Order of Cincinnatus

Elkington: About that same time in the early thirties there came down to San Francisco a young lawyer named Ralph Potts from Seattle. He was kind of an inspirational talker and a nice fellow and he told us--it would be Brown [Pat], probably Harold Brown, and me and others of our age group, other young lawyers then--about the activities of the Order of Cincinnatus in Seattle.

It was a group of young men and women, mostly men, who came from different political parties and they were determined to correct the political atmosphere of Seattle, Washington. They were successful in electing one or two councilmen and, I think perhaps, the mayor. The mayor went on to become a candidate for president. (The name escapes me, I'm sorry about that; it's on the tip of my tongue.) But anyway he told us about what they had done. We liked the idea and we organized the San Francisco Order of Cincinnatus.

Shearer: Before you tell me more about Cincinnatus, can I backtrack just a little bit to ask you whom you backed specifically in these preprimary speech makings?

Elkington: I backed C.C. Young, who had been governor. I think he was probably running for reelection. He had been governor of California, C.C. Young, and [was a] Republican. And Pat was backing George Creel, who was a very respected figure of the Democratic party at that time. But in that primary election, Frank Merriam got the Republican nomination and Upton Sinclair, the Democratic nomination. So our respective candidates were eliminated in the primaries; we didn't do too well for them.

Shearer: Did you then go on to speak in behalf of the Republican and Democratic candidates later on?

Elkington: No, I didn't. No, not I for Merriam nor Brown for Sinclair. But, this was a long time ago. I think my memory is right.

There came upon the scene Ray Haight, Raymond Haight, who was the candidate for governor of the Commonwealth party of California. He was an able and pleasant person, and Brown and I and our group supported Raymond Haight for governor against both the Democratic and the Republican nominees, against Upton Sinclair and against Merriam. Raymond Haight [spells name] died a few years later; he was a fairly young man when he died. Otherwise I think you would have heard a lot about him.

Distinguishing Republicans from Democrats--1932

Shearer: Did you feel that it was a bigger dose of political instinct on Pat's part that occasioned his changing his registration from Republican to Democratic?

Elkington: Well, in 1932, there was little difference between the Republican and the Democratic party. The Democratic party was not, at least in my opinion, the liberal party, nor the Republican party, the conservative party, as they appear to be today and as they have appeared for a long time. There was little choice between them.

During the campaign of that year, one of the principal points that Roosevelt made was that he was against this Smoot-Hawley tariff. I don't know how you'd place that, whether that would be a liberal attitude or a conservative attitude. But Roosevelt was against this "wicked and exorbitant tariff" he talked about, and against spending money.

Now he made speeches something like this: "I've been going up and down this land for four long years"--this was while he was governor of New York--"preaching, 'We have to retrench our government spending, we're spending too much money,'" and so on and so on. And then of course, it's pretty well known, that when he became president that was one of the least of his worries--spending money.

So, jumping from one party to another wasn't necessarily jumping from a conservative to a Democratic party, and didn't reflect the change of one's views as much as it would today.

I am under the impression then that Pat was just smarter than I. At that time, I thought perhaps I was smarter, but since I've come to feel that he was in fact smarter than I, because he chose the right party, or at least the party that elected its president, which has been the dominant party of the country ever since, I guess. And I think he likes to think--it may be so and it may just be wishful thinking--that he did some soul searching and decided that he should be a Democrat, Democratic liberal.
[laughing]

Then I think that perhaps because of our associations thereafter through the years, he a Democrat, you know, closely attuned to other Democrats and Democratic policies and politics, I a Republican and associating politically more with the Republican side, I think perhaps our points of view did diverge more and more as time went on.

Elkington: But I'm not at all satisfied that Brown just changed his political party as a result of soul searching.

Shearer: What effect do you think the switch in registration would have had on the local scene. Wasn't it true that most people in San Francisco, I mean most elected politicians in 1934, were Republican? Or was party not very important?

Elkington: Yes, really that's so, I think. In local politics, no one knew what the political affiliation of our supervisors and mayors were. No one knew and no one cared.

Shearer: It was really nonpartisan?

Elkington: It was truly nonpartisan. And I don't know just what the proportions would be, but I would say it was mighty close to two-thirds Republican, one-third Democrat in state registration, before the Depression and before Roosevelt's time.

You wanted to go back before the new Order of Cincinnatus, have we done that?

Shearer: I think we've done that.

The New Guard, Precursor to the Order of Cincinnatus

Elkington: All right. Well, I'm getting a little bit ahead of myself. Long before Ralph Potts came to San Francisco (that's the fellow from Seattle), Brown and I and Lauder Hodges (and if I thought it through I could think of many other names) organized what was known as the New Guard.

Shearer: This was about 1935?

Elkington: Thirty-one or two. And the New Guard was just a new guard of young politicians. We enlisted quite a few young lawyers, young businessmen, and women, and we tried to become active and influential politically. We backed some candidates and we were the New Guard.

It was then that Ralph Potts came down. By the way, the New Guard, our thinking was that we didn't care whether we were Republicans or Democrats or what we were. We were out to bring about honesty and effectiveness in local government.

Shearer: Was it quite evident that there was not good government at a local level?

Elkington: We thought so and I still think so, yes.

Shearer: I guess the Atherton investigations were later--

Elkington: That came around six or seven years later.

Shearer: Was the situation of police graft existing then.

Elkington: I'm sure there was graft among police and politicians in those days. The Atherton investigation later corroborated that.

But we were out to bring about clean government before the investigation was launched. It was then that Ralph Potts met with us from Seattle. The views, ideals, principles of his group in Seattle were closely attuned to ours, and we changed our name to the New Order of Cincinnatus, and pretty much carried on as we had but with added inspiration from Pott's experience up there.

The candidate's name who I forgot a moment ago was named Langlie or very close to that, anyway. He became a United States Senator, I think, and was even nominated for the presidency; then he died at an early age.

Shearer: This was the Seattle mayor.

Elkington: The Seattle mayor--Langlie--or very close to that.

Cincinnatus Reform Slate

Elkington: So, Brown became the president of the New Order of Cincinnatus. One of the first things we did was to run a slate of candidates for supervisor. On the slate there was Elkington (speaking); Dewey Mead, a business agent of the Painters Union; George Read, a young Republican; and Julian Pardini, a Democrat--two Republicans, two Democrats. One of the Democrats was a labor leader, and two were lawyers, and I and Julian Pardini. And we ran this ticket for supervisor. Only one of us won and that was Dewey Mead, the business agent of the Painters Union, but we had elected a candidate. That was really the springboard of Pat's political career, I would say.

Shearer: Harold Brown gives you credit for really getting Pat moving in the political sphere. Was it mainly through the Cincinnatus?

- Elkington: Oh, I doubt that. I think he, think he's [laughing] entitled to the credit for moving; he had an enormous amount of energy and I wouldn't take credit for getting him moving. I don't think that would be fair. I worked with him, helped him, but he just has, even today, an incredible amount of stamina and energy.
- Shearer: He seems to have a great love for just the stuff of campaigning. Does that appeal to you? Did that in any way?
- Elkington: No, no. No, not nearly on the level that it apparently has to Brown throughout his lifetime. I'm more of an introvert, much more of an introvert than he.
- Shearer: So you were not particularly disappointed that your candidacy was not successful?
- Elkington: Oh, no, not at all. I often have thought that it was the best thing that ever happened to me. [laughter]
- Shearer: This was what year now?
- Elkington: That would be 1935.
- Shearer: There's a little discrepancy, ambiguity, whether it was 1935 or 1936 that Cincinnatus was formed.
- Elkington: I'm quite sure it was '35 that I ran. It was before the second presidential election. It seems to me that I remember Roosevelt's campaign was in the fall of 1932, and he took office the following year in March or April. And so then four years later would have been in the fall of '36. The supervisorial candidate was a year earlier than that; it would have been 1935.
- Shearer: Did Dewey Mead go on in politics.
- Elkington: Well, he continued on. I think he was reelected as supervisor. But unfortunately, whatever, he had domestic troubles, he had drinking troubles, and he died at a very early age. So he didn't go on beyond the board, but I think he was on the board of supervisors for five or six or seven years.
- Shearer: I understand that Cincinnatus did go on to elect almost a full slate of candidates to the board of supervisors.
- Elkington: Well, then four years after that, Cincinnatus and a group of others--it was kind of a combination of organizations then, but the backbone of it was still Cincinnatus--elected four candidates for supervisor. They were Chester MacPhee, Robert Miller Green, and Gerald O'Gara. He's a municipal court judge now. So the four were elected and one other.

II DISTRICT ATTORNEY DAYS

Elkington: That brings us to '39, the next incident I recall. That's when Pat Brown first ran for district attorney.

District Attorney Campaign of 1939

Shearer: You were pretty active in that campaign, I guess.

Elkington: I think so.

Shearer: Did you have an official title? Or how did you function?

Elkington: I just don't remember. We ran doorbells and raised a little money and that sort of thing. But I don't recall I had any official capacity in the campaign.

By the way, before I met Pat Brown he had been an unsuccessful candidate for the assembly as a Republican candidate; that was before I had even met him.

Shearer: Yes, this was 1928? Against Ray Williamson?

Elkington: Did he run against Ray Williamson?

Shearer: Yes and he was defeated in the primary, I believe.

Elkington: He would have been, because Ray Williamson was a very active, very successful assemblyman in those days. His son is a judge now, across the street.

Now, in 1939 Brown ran for district attorney and was defeated by a very narrow vote, relatively so, I think by six or seven or eight thousand votes. Perhaps you know the figures, it was pretty close.

Shearer: I understand it was close.

Elkington: He ran against Matthew Brady, who had been district attorney for twenty years or so, and Norman Cook. Norman Cook was commonly believed to be a crony of Brady's who always ran for election for district attorney when Brady ran, in order to split the anti-incumbent vote. Some people thought that was smart politics, and perhaps it is. Any incumbent in office develops enemies, and Norman Cook split the anti-incumbent vote. Cook always got about ten thousand votes. He took votes that would have gone to Brown, and Brown lost by about eight thousand. And we liked to think that Norman Cook was responsible for Brown's loss in that election.

Shearer: What were some of the campaign issues in that race?

Elkington: Well, the campaign issue was principally the inadequacy of Matthew Brady. He never appeared in court. He was just a good friendly Irish politician, never tried any cases. The issues were that Brady's office wasn't very well handled.

Four years later, there did develop an issue, if we can leave the first race. As I recall it now, while Brady continued on as district attorney, of course, some wife and mother had gone down to the district attorney's office, reporting that her husband had threatened to kill her and the child. (Her name escapes me.) And Brady did nothing. A short time after that the husband followed through on his threat. So that made quite a political issue, you see: "If only Brady had done something to help this woman she'd be alive today," and all of that. That was the principal campaign issue--that it was the fault of Brady and his office that this woman had died, and [the question was raised] how many other cases like that had occurred.

Then Brown was elected. Brown asked me to come there with him and I did, and one of the first things we learned was that there's just an unending line of people who come into the district attorney's office claiming that husbands or boyfriends or somebody had threatened or was going to kill them. And if you did something on each of these claims you'd have to double the size of the jails--if you were able to do anything! And just threatening someone is not a crime, or at least ordinarily it's not. We soon learned to understand [laughing] why perhaps Brady hadn't done anything in this case, because it's only one time in a hundred or a thousand or ten thousand that people follow through on such threats, and there's no way for a human being to tell in advance just which are going to follow through and which are not.

Shearer: Was this the subject of the grand jury investigation that took place--

Elkington: It could have been, I don't remember that.

Shearer: I think Brown was criticized after the grand jury investigation because one of the people who sat on the grand jury--

Elkington: Brown was criticized?

Shearer: Yes, there was some question raised in the newspapers of that time.

Elkington: Criticizing Brown or Brady?

Shearer: Criticizing Brown, because apparently Brady was the subject of a grand jury investigation and one of the people who sat on the grand jury was a Brown supporter. Does that ring a bell?

Elkington: No--

Shearer: It was during the campaign.

Elkington: During Brown's successful campaign?

Shearer: I believe so.

Elkington: Well, a lot of things like that must have happened. I don't remember. It was kind of a bitter campaign, as many campaigns become, but I don't remember that Brown was criticized because a supporter of his was on the grand jury which had complained about Brady.

Shearer: Which had complained about Brady, that's right.

Elkington: Well, that wouldn't have been a very valid complaint if a supporter of his means a friend of Brown's. And probably there were several on the grand jury by that time, criticizing an incumbent. It doesn't seem to me to be a very grievous sin, if it did occur; at least I don't remember it.

Shearer: I wonder if the report of this woman who was later killed by her husband was the occasion for the grand jury investigation?

Elkington: Well, it could have been, it might very well have resulted in a grand jury investigation, but I don't remember it.

Shearer: But you remember that incident as being significant in the campaign?

Elkington: Yes.

##

The Gambling Issue: 1943 District Attorney Campaign

Elkington: The morning of his successful election day [1943], the San Francisco Examiner came out with a headline story reporting that Brown was uncovered as having been a tool of the gamblers and that he'd represented gambling operations in California. It was said that he had organized a gambling club. We were all fearful that that was the end of it, that Brown wouldn't be elected, but he was.

Shearer: What was this basis of these charges?

Elkington: Well, it was based upon two things. First, Brown, I think, had organized a nonprofit corporation known as the Menlo Club. And in those days, there must have been 50 such clubs in town. They were around Sixth Street, in the Tenderloin and all over. They purported to be private clubs that would allow gambling. Anyone could become a member, and once you were a member you could go in there and you could gamble. Because it was a private club, it was believed, at least, to be immune (or the police treated them as immune) from the gambling laws: that is, you can gamble in a private club and you don't violate the law.

Shearer: There was a law against public gambling.

Elkington: Well, another later interpretation of that law was to the contrary. It was commonly believed--and it was encouraged by the police, they didn't mind at all--that you could gamble in a private club and it was all right to take a piece of the action, either half a dollar or twenty cents an hour, or a cut of the pot or whatever, for the house. Brown had done that [organized a nonprofit corporation] as any one of us [lawyers] might have done. We would have loved to have done that for the business. If anybody had come to me at that time, I know, and asked me to organize a nonprofit corporation, I would have done it.

Another incident of Pat's life was that his father was one of these people who ran one of these clubs. His father's been called a professional gambler. I think I've heard Pat himself refer to him that way. In a sense he was a professional gambler, because he ran such an operation, but it was certainly not in the sense of the professional gambler as we know them now--the dealers, the floor man and the pit man and these people up in Reno and Las Vegas. But he ran this operation, while raising the Brown family.

Shearer: Was he running this operation at the time of Pat's campaign?

Elkington: No, no. His father had since passed away. I remember his father well, but I'm quite sure he had since passed away; at least he was no longer operating a social club.

Shearer: Do you remember anything about his relationship with Pat?

Elkington: Well, yes, I do.

Shearer: Were they close?

Elkington: Pat and I had our offices together for four or five years. We shared the rent and shared clerical and secretarial services and all. I remember I met his father many times. He'd drop down, he was very proud of his boy and was a very friendly, nice, outgoing, Irishman, well liked.

Shearer: When did you have the office together?

Elkington: I guess I shared offices with Pat for about four years, from '32 on to '36 or '37. So it was during that period that I often met his father. He was a very nice fellow [Edmund Joseph Brown].

Closing Down the Abortion Mills

Elkington: But now that leads up to Pat's activities when he became district attorney. He had his mind made up when he was running for election—and he sometimes mentioned it, but not too much then, but after he was elected—that he was determined to wipe out the gambling operations in San Francisco.

Shearer: Really? Why do you think that was?

Elkington: No one knows. It could be that he took an oath to enforce the law, and by golly he was going to do it. I like to think that was primarily what was in his mind, and I think it was.

Shearer: By then the interpretation of the law had shifted?

Elkington: It shifted after Brown came in. One of the first problems were the three betting commissioners in San Francisco. Betting commissioners were people who would take bets on prize fights, football games, and elections. They just openly engaged in betting. Brown sent out the word that they were to stop their operations. They continued on a bit, and I don't know that we ever commenced any prosecution against any of the gambling commissioners, but they soon stopped operations. But there were

Elkington: also bookmakers all over town and, historically, almost every cigar store had its own little bookmaking operation. Traditionally, it was a felony arrest; the law said it was a felony--337A. I think it still is. You don't read about many arrests lately [laughing]. But let's see [reading] 337A, "Punishable as a felony...punished by imprisonment in the state prison," today.

Shearer: That's for bookmaking?

Elkington: And it was a felony then. There was also San Francisco's gambling ordinance, and bookmaking is per se gambling, and that would be a misdemeanor. So there'd be arrests for misdemeanors and they'd be fined with the usual twenty-five dollar fine. That was the end of it. Then they'd go back to their bookmaking operation. And in many instances the proprietor of the book would know in advance that there was going to be a raid on his book and he would just get some poor guy to stand in for him and stand behind the counter when the police came in. This "stand-in" would probably get twenty-five dollars for his trouble, and then the proprietor would pay the twenty-five dollar fine and that would be the end of it.

Well, Brown announced, upon his taking over, that bookmaking was going to be prosecuted as a felony in San Francisco.

Shearer: What about the private clubs? Those, too, would be eliminated?

Elkington: Nobody believed at the start that Brown really meant it. You can't prosecute them with felonies--there'd be a revolt or whatever. But he did. For the first one that was convicted--Roach, I think--Brown insisted on a year in the county jail. He wasn't willing to send this poor old fellow to prison but he held to a year in the county jail. The judge made it 90 days, which then was just an enormous penalty for bookmaking. Then Brown insisted on bookmaking arrests--and the police made them. Whenever they arrested a bookmaker, he'd be charged with felony. I won't say that that ended bookmaking, but it ended openly flourishing bookmaking (then there was bookmaking everywhere). It became a surreptitious, clandestine sort of an operation from Pat's time on. The gamblers generally knew that Pat meant business and that he wasn't going to tolerate gambling in San Francisco. As a result, these betting commissioners quit their operations and the private clubs went out of business. As a matter of fact, I remember working up a legal opinion overruling an opinion of a police lieutenant who was then on the police legal staff, and who had said that these private clubs were legal.

Shearer: So, you were on the DA's staff at the time?

Elkington: Yes, I'm quite sure that it was I who worked up this opinion. Private club gambling was clearly illegal--violation of the state gambling laws--and we said so. That was the end of any of that sort of gambling--excepting, I suppose, surreptitiously as it is carried on even today.

At the same time, he took a stand against abortions. That was scandalous in San Francisco. Not the idea of having an abortion, so much as the political corruption that it entailed. Policemen were corrupted, politicians were corrupted from the highest level down to the lowest. The queen bee of abortions in San Francisco was Inez Burns (Inez Brown, and then she married Joe Burns). Brown made statements that this was going to be ended, but they paid no attention to him. So, a plan was made to raid Inez Burns' "abortion mill." It was planned with the utmost secrecy and careful preparation, but some police had to be taken into confidence. The time came for the raid, and the place was empty--nothing going on there at all.

So, another raid was planned, and this time with much more security. This raid also was conducted and once again there had been a tip-off; the place was empty. But Frank Ahearn, later chief of police, the "incorruptible cop" of that day was working closely with Brown and with the district attorney's office. He was much less close with the police department hierarchy. He was the incorruptible cop of the century, by anybody's test.

When the raiding party descended they found the place empty again. Once more a tip-off--it had to come from the police department. I'm sure it didn't come from our office. Even in our office, there were only two or three of us who knew about it.

So, Frank Ahearn said, "Let's go over to Guerrero Street and see what's doing?" (Guerrero Street was where Inez Burns lived.) We went over to Guerrero Street, and while most of us kept out of sight, a plainclothed policeman went to the front door, rang the bell, and the door was opened. When the door was opened, why then the police forced their way in. It would be much more difficult under today's rules of procedure, but then it was common practice.

And there, waiting, were all of Inez Burns's nurses and orderlies in their white gowns and pants and white shoes even--just waiting out the raid, ready to go back. They were waiting for a telephone call from someone saying, okay, you can go back.

Well, they were arrested and a search was made of the house. In the closet a safe was found, and Inez was asked to open the safe. She fought and wouldn't do it, but finally she was

Elkington: persuaded to. There was no physical violence, but she was convinced she should. (They just wanted, it was said, to see what was in it, and then they'd close the door.) She opened the safe, and here were just dozens of cubes, about 8 inches square or different sizes, wrapped in manila paper, just solidly packing the safe. I picked out one of them and looked at it. I just tore a bit of the paper, and inside the hole that I had punctured were the figures 100 from a \$100 bill inside. We closed the safe very quickly and put the money back in--we knew what was there; we didn't want to have the responsibility of that money.

Inez Burns was arrested and--it wasn't easy--the grand jury refused to indict her.

Shearer: So, there was a certain amount of public support for what she was doing?

Elkington: Well, it wasn't public support; it was political pressure. People, I have always suspected, were reached on the grand jury, and they wouldn't indict. So, the case was taken down to Matthew Brady, the district attorney that Pat had beaten; he had become a municipal court judge. It was either Matt Brady or Harry Neubarth, one of the other of those judges. He held Inez Burns to answer, which is the equivalent of a grand jury indictment. She was tried--Tom Lynch tried that case three times. The first two times the jury disagreed, under circumstances that we thought were highly suspicious. The third time Tom Lynch tried it before judge Ed Murphy, the jury was selected and immediately, without any forewarning, the judge said, "All right, now you're going to be sequestered during the rest of the trial. You can send home and get your toothbrush and change of clothes and whatever, but you're not going to be released now until this case is over." So, nobody could talk to a juror under those circumstances, and Inez Burns was convicted. She went to prison, got out, violated her parole, and went back to prison.

Well, then there were several other abortionists; one was Alta Anderson, she went to prison. Abortionists carried on furtively from that time on--there were numerous arrests--but they were never openly flourishing the way they had before.

In one of the arrests, let the subject go nameless, a death had occurred; a girl who had gone to one of these abortion places died as a result of the operation, so the police had a murder charge. Policemen were assigned to investigate and they ran around in circles for four or five days--just couldn't get any lead at all as to what had occurred and where. Finally at the end, they learned that it was in a doctor's office. And our investigation showed that during the four-day period that the

Elkington: police had been unable to find any lead at all, there were frequent daily conversations between the home of one of the policemen and the head nurse of the doctor who had been performing the operations.

It was obvious what had happened. When we finally found the doctor's office, there wasn't a thing--no records, nothing. The obvious implication was that the nurse had been told, "Clean up everything, and let us know when everything is sanitized and we can go ahead and raid the office."

I guess what I'm trying to say is that when Brown took over he was a refreshing and cleansing thing for San Francisco. Whether or not gambling should be allowed, or abortion should be allowed--now I think the consensus is that they should, but that wasn't the point. The point was that those things were just incidental to widespread police and political corruption and they were against the law.

Shearer: So, you feel that the impetus for all the effort and dedication, rooting out these industries, was the elimination of widespread corruption, as much as actually stopping the practices?

Elkington: More so.

Police Corruption and the Atherton Investigation

Shearer: What other things were pursued with that kind of vigor during Brown's administration as the district attorney? I believe the Atherton investigation was 1935 or '36. I guess that would have been the basis on which the office of the district attorney really learned about the widespread corruption among police and politicians.

Elkington: This Atherton investigation was long before Pat Brown was elected; just how it started I don't know--it started in a very small way and Atherton was an ex-FBI agent who was employed to make this investigation. After he was employed, nobody heard about it and everybody forgot about it. In the meantime he was really working up a case.

He learned all about police corruption. The McDonough brothers operated a bail-bond business down on Kearney Street. They were really the bosses of San Francisco. According to Atherton if anyone wanted to run a book or an abortion mill, or any illegal activity, you had to have the consent of the McDonough

Elkington: brothers. If you wanted to run a sizeable book, you'd clear it with the McDonough brothers; they'd clear it with the proper police and political authorities.

Shearer: How did they become so powerful? Because they had access to big amounts of cash?

Elkington: I don't know. It's the political boss syndrome. San Francisco had another political boss, Tom Finn, at the same time, but he was a benign, nice guy who wanted to help his friends. So his friends helped him. Tom Finn was not a bad man; but he was a political boss. But then there were others, according to Atherton, who used their power and influence for criminal or corrupt activities. Tom Finn was not corrupt, although he and the others sort of paralleled each other for a good many years.

When the Atherton investigation was reported, one of the things that I remember so well is the disclosure that a police sergeant had called the McDonough brothers and said, "This is Sergeant _____, Mr. McDonough, I'll be down to pick up the envelope, but this time don't put my name on it." The sergeant was the bagman, according to Atherton. He later became a highly placed police officer of San Francisco.

Shearer: Even after this? If the Atherton investigation was in 1935-36, then the report must have been somewhat later.

Elkington: It came out quite a bit later. I seem to remember that people were saying that this was a useless expenditure of money, that here you hire these people to investigate and nothing has been done and so on. And people thought just that--that nothing had been done. All of a sudden Atherton came out with his bombshell.

Shearer: But not in time for the 1939 election? This was not an issue?

Elkington: I think it was before 1939—I have '38 in my mind—my guess is that the Atherton investigation started in '35 or '36, but that the report came in '38.

Shearer: But it wasn't used by you and Pat during the 1939 campaign?

Elkington: You've triggered my memory. The Atherton investigation was the center of the first campaign of Brown—complaining about the inadequacy of Matt Brady who did nothing about it, and, perhaps, he himself was suspect and that sort of thing. The first campaign of Brown's for district attorney was centered around that.

Four years later, when the Atherton investigation was history, the principal issue was that poor lady who was killed by her husband--Brady had done nothing for her.

- Elkington: You asked me what the first campaign was about: It centered around the Atherton investigation and I'm certain that the report came out a year or two before Brown's first unsuccessful try for district attorney.
- Shearer: It almost sounds as though the measure of the truth of the report was the fact that everyone was so well paid that nobody wanted to oust Brady. Was the corruption so wide spread as that?
- Elkington: A very cozy relationship. In those days, politicians got campaign contributions, and policemen were paid off from top to the bottom, with some and perhaps many exceptions. It's a very cozy relationship for a policeman or a politician. The politician always knew where he could go to get campaign contributions. Under those circumstances, every bar in town would put up posters for favored candidates. But it was corrupt from top to bottom. Brown knew it. Brown, I think you could say, was just sort of a bit of fresh air in San Francisco's political-civic life for a good many years. He just turned things around. And then Lynch came along.

Staffing the District Attorney's Office

- Elkington: Tom Lynch was his chief deputy--and carried on.
- Shearer: I thought you were also chief deputy?
- Elkington: No. When Brown was elected, Lynch and I were soon asked to come into the office and we had the two top jobs, and there was no chief--
- Shearer: What was the top job called then?
- Elkington: Well, I'd say there were two top jobs, because they were paid the same. One was head attorney and one was chief attorney, but they were paid the same. Theoretically, I think the chief attorney was the top job and that would be Lynch; I was the head attorney.
- Shearer: Were your duties different?
- Elkington: Not much, not really. We got along very well, and when one was around, he was in charge. The duties were pretty much the same. It happened this way, as I recall. One day, Brown took us both to lunch and he said, "I'm going to have to appoint a chief assistant, who will it be?" (He asked both of us.) And I pointed to Lynch and said, "Here's your man." I think I might have been

Elkington: kind of selfish about it. At the time, I was carrying on something of a private practice (didn't have much time for it, but I still was). Perhaps that's why I was so generous, I'm not too sure.

Shearer: Was Lynch pleased?

Elkington: Well, I guess so, but we were always very good friends. So he became the chief and I think I was called the "chief trial lawyer."

And after six or seven years, I decided to leave the office. I went into private practice with Judge Peery, who just retired from the superior court the other day.

Shearer: When was that?

Elkington: The year end of 1948.

Shearer: I have a note here that you were chief of the superior court; when was that?

Elkington: Well, this is what happened. I went into private practice and I did that for a couple of years. I had a health problem (which would be another long story). In the meantime, Pat Brown was elected attorney general. That was a Democratic campaign that I had nothing to do with. Well, I had managed his campaign for attorney general in 1946 unsuccessfully; in his first try I managed that campaign. But the second time around, that was a strictly Democratic operation and I had no part of it. I supported him but I was not at all active in the campaign.

But he was elected, and Tom Lynch was appointed district attorney in his place. Tom Lynch rang me and asked me if I would come back as his chief deputy. I was working hard trying cases, and it was affecting my health. First I told Tom, "Thanks a lot, but I'm not interested; I just left there a couple of years ago." He said, "Well, think it over." And I did. I thought perhaps that would be a good thing for me to go back and get out from under the heavy pressure of my private practice. So, I did.

I was with Lynch from 1951 through 1959 and I was chief deputy during all that period. And I don't know about chief of superior court. That was the expression you just used?

Shearer: Yes, and I think that was Pat's description.

Elkington: Well, that might have been a euphemism for chief trial deputy--chief of the superior court.

##

Shearer: I understand that Brown took steps to integrate the DA's office. He appointed Cecil Poole and an attorney named Jack Chow, is that right? A Chinese and two women, as well. Now was that part of the "breath of fresh air"? Was that something that hadn't been done before?

Elkington: Perhaps, I don't think though that it was an affirmative action campaign to bring in women or minority members, but there was no aversion to that anyway. And there might have been earlier. Cecil, a black, is one of the finest lawyers I have ever known.

Shearer: But were they the first?

Elkington: I think that would be smart politics. Brady had women in his office. He had two or three women. It was Edith Wilson, one of the girls, she stayed on with Brown--she had been with Brady. Then Janet Aiken came along, and Doris Schnacke.

Shearer: I think Doris was appointed by Brown, wasn't she?

Elkington: She was a telephone operator when Brown took over. She was studying law at night and was admitted to the bar a year or so later. She was taken on as a deputy district attorney.

Shearer: Did she try cases along with the rest of you?

Elkington: Oh, yes.

Shearer: Did she stay on there?

Elkington: She stayed on till she got married about twelve years ago, I guess. But she stayed on. I think she outlasted Tom Lynch in the district attorney's office. And I think she left when Jack Ferdon was district attorney. I'm not sure of that; it might have been right around that transition time.

Reorganizing the District Attorney's Office

Shearer: Brown apparently reorganized the district attorney's office, I understand, and was interested in modeling it after the Alameda County office.

Elkington: Yes, the district attorney's office was a shambles when he took over. All of the deputies had worked part-time--I think all of them. As I recall the picture, Brady would be allowed say \$250 a month for a deputy. He would use that money to hire two deputies; each would get \$125 and each would be a part-time deputy--everybody was part-time.

Elkington: Not only that, there was no filing system, no filing cabinets; papers were just piled up on floors and in corners. Few records. The chief clerk was one of these rare individuals who could reach into a stack of papers and pull out what he was looking for. If he died, his successor could never do that. So it was run that way for many years. Whenever anybody needed a paper, this fellow would find it. But, otherwise, it was a shambles.

Another way it was: a policeman would make an arrest and then the lowly policeman--some of them very smart and shrewd, some of them not--having made his arrest, the accused would go through the municipal court. Ordinarily, he would be held to answer for the superior court. When he'd get into the superior court, then for the first time the district attorney or a judge would take a look at the charge and often see that it was unfounded and made no sense. It would be dismissed. It was the arresting policeman, usually on somebody's hearsay statement to him, who would start the wheels of criminal justice in operation. That was subject to quite a bit of criticism. When Brown came in, he decided to correct it.

So he brought in Bert Levit, a very able lawyer; he's still practicing. And Bert, I think, served but six months, just to reorganize the office. One of the things he did was to institute the "suspicion booking system." [Under this system] when an arrest was made, then the very next morning, a deputy attorney in conference with police inspectors and perhaps the arresting policeman, but usually the police inspectors (you know there's robbery detail, a burglary detail and all) they'd go over the police reports and decide whether they had a case or not. Half of the cases were eliminated the next morning--that was the end of them.

That suspicion booking has continued ever since. The district attorney with the police, goes over the arrest reports every morning and screens out the bad ones. Only the better cases are brought to trial. In the old days, many such dismissals occurred everyday in the superior court.

Shearer: Was this considered an efficiency move or something to protect the rights of the accused?

Elkington: It's not only an efficiency move, but a humanitarian move also--to put the booking into the hands of experts rather than the policemen who happened to make an arrest because someone said, "This guy did something to me."

Shearer: Could you comment on other aspects of the criminal procedure under Brown's leadership?

Elkington: Well, before long--it was gradual--his deputies became full time. (I guess I was one of the last to yield to the full time. I put in a good day's work for the district attorney's office, but I also put in some work on my own.) That was a step in the right direction because, otherwise, as in the old days, a deputy district attorney would go to court in the morning and try his case and go back to his private office. So it certainly was an efficiency move, and I think you might call it a humanitarian move also. It properly organized the office and it did undoubtedly prevent many unjust convictions.

There's something about it, once you indict or charge a person with a crime, a deputy district attorney likes to win, police like to prove their points, and that sort of thing. So even with the best of intentions, there's a strong desire to win which in some cases might interfere with a trial's fairness, unfortunately. I'd say that was one of the big improvements that Brown instituted.

When Brown took over as attorney general, he did the same thing--he brought Bert Levit back and reorganized that office to a considerable extent, and for the better.

Shearer: Was the suspicion booking something that he learned of from the Warren administration?

Elkington: Well, there was criticism of the system under Brady, and it was pretty much developed by Bert Levit. When Brown took over he just wanted that straightened out and it was.

Shearer: As district attorney, Earl Warren ran what's been described as a model office. I think in Pat Brown's oral history he said that he tried to pattern his office on that of Earl Warren's.

Elkington: I'm sure he did. Earl Warren's office was a model district attorney's office--just an outstanding district attorney's office throughout the nation.

Shearer: In terms of efficiency or humanitarianism--?

Elkington: In terms of efficiency, incorruptibility. [siren noise] Earl Warren was a strong man--well, the expression is that he'd send his mother to prison if she had committed a crime. He was a "law and order man," a somewhat different image from that he later acquired. But he sent sheriffs to jail, policemen to jail--he was just unbendable. He was going to do his duty as district attorney and there were no political implications involved at all, as far as he was concerned, unless just doing his work had itself a political implication. It worked out very

Elkington: well for him. I'm sure I never talked about Pat modeling the office after Alameda County, but that might very well have been in Pat's mind. But I'm sure our office during the time we were there was as incorruptible as had been Earl Warren's across the Bay.

Criminal Procedures in the 1940s and the 1970s

Shearer: What about the criminal procedures in terms of investigations, and rights of the defendants--I believe that you mentioned that during the Atherton investigation there was "bugging" when they were trying to get the goods on the corrupt policemen. How was that handled?

Elkington: We're talking about another day. Sometimes when we see, what I think to a considerable extent are vast improvements in the area of civil liberties and human rights and all, it's difficult to believe that there has been such a change.

There was little emphasis upon the right of privacy--police tapped bookmakers' telephones. Just how many telephones they tapped, and whose I don't know.

One of the finest policemen San Francisco has ever had was Charles Dullea, you've probably heard the name. He was the chief of police and before that chief of inspectors for a long time. Charlie was just a smart, rough, tough Irish cop. And his favorite expression was to "roust 'em." Whenever any gangster came into San Francisco, Charlie Dullea "rousted 'em" and you know what that meant--they got out of San Francisco fast. Now that's a violation of human rights; it was bad. But it wasn't altogether bad; San Francisco was, in those days, relatively free of crime and the influence of the mafia and mobsters.

Shearer: This was in about what time when Charlie Dullea was there?

Elkington: Charlie Dullea was chief of police in Pat's early days--

Shearer: That would be 1944 to 1946.

Elkington: Four, five and six-- I don't mean to say that Brown was any part of that "rousting," but I'm sure he wasn't appalled by it, nor was I as I and he would be today. It's just a change in thinking--just hard for you young people to understand.

Shearer: I can remember the police stories and movies of my childhood showing a very different approach.

Elkington: It's just hard to understand--I got engaged in conversation with a young law clerk, just across the table, two or three years ago and we, somehow, got into a discussion of the sending of the Japanese to these camps during the war and all the horrible things that were perpetrated upon these fine citizens. She, of course, was rightly just appalled by it.

I went through it. And I think anyone of us would have done the same thing at the time, as even Earl Warren did. We like to think we wouldn't. We believed then that airplanes were right over our heads--they were about to drop bombs on us any moment--lights had to be off at night, you couldn't drive an automobile with your headlights on, because any minute the "Japs" were about to come in and invade us. And not only that, there was the "fifth column" in Hawaii--they were getting ready for the invasion. It was all hogwash as it turned out. But the "Japs" had bombed Pearl Harbor and that was an unbelievable thing. After that, everybody was ready and willing and wanting to believe that these other things would happen.

In those days, we believed, I among them, I confess (although I never had any authority in the matter) that something had to be done about the Japanese that were in this country, because they were going to lend aid and comfort to the invading forces. And that's why they were sent to these relocation centers. It's hard for me to believe it now. It turned out that they were some of the best citizens we had during that war--I've heard of no instance of an American Japanese who had acted treasonably.

It's almost impossible to project oneself back that far. So, when I say that, "Yes, there were a lot of violations of civil rights and one's privacy," and what have only lately been interpreted as constitutional rights, they weren't always considered so.

Shearer: There were very different standards operating--

Elkington: Very different standards. But, yes, there was this bugging and "rousting" and those things went on. I don't remember being too irate about it and I don't remember Brown being too irate about it; we had a lot of other things to think about.

Shearer: Was there unanimity among the prosecuting staff in the office about which of the criminal activities would get most staff effort? Did everyone agree that abortion mills were the gravest threat of the moment?

Elkington: Of course, Brown was the boss. He made his decisions and we followed them. We might have advised, and in the lesser levels, Lynch and I might have been bosses. Pat ran the office. He was determined to wipe out this police corruption I have spoken about, and he did.

Elkington: Then, in the area of enforcing the hard line criminal law, there were innovations. For instance, under Brady and in the old days before Brown, when murders were committed--policemen would be called to the scene, often inspectors. Some of the inspectors were unbelievably good policemen, but some of them were just terrible--lazy and stupid and all. Police would be called to the scene and might make a good case, if they were good cops, and they might just botch it up horribly if they were not.

Whenever there was a true homicide--not if it's an automobile manslaughter; that's something else--deputy district attorneys were assigned to be ready around the clock for a call to go with police inspectors to the homicide scene, where, from a lawyer's point of view, they would start preparing the case and endeavor to get statements and evidence. In those days, not too much attention was given to "Miranda"--none was given; that rule was nonexistent.

Shearer: So, the idea was to get in and get a confession--

Elkington: Well, there's nothing completely wrong with that as long as it's fairly taken, as long as it's an honest confession. If you don't do anything that would tend to extort a dishonest or untruthful confession.

We had two very fine girls who were outstanding shorthand reporters who would spell each other and go with the investigating party. That went on all throughout Brown's and Lynch's terms as district attorney and perhaps it still does. That was an enormous advance in the technique of criminal law enforcement.

Shearer: That was because you didn't feel that the level of competence was consistent enough on the part of the police to get the story right?

Elkington: There were all levels of competence among police--some of them I would stack up against any lawyer I know, but some of them I wouldn't--but the deputy district attorneys added a professional competence, in the sense of legal professional competence, that wasn't there in the case of the average inspector.

Shearer: So, all of you might be called at one time or another to go out on a homicide.

Elkington: There were two or three or four that were very good at it.

The Alfred L. Cline Case

Elkington: In our time there was the Alfred L. Cline case. [spells it] This case broke in San Francisco and we had to do something with it. Well, Harding McGuire, who was a deputy in the office must have spent three months traveling around the country with a shorthand reporter from our office, taking statements from various witnesses. We convicted Alfred L. Cline. The job that Harding McGuire did was unbelievably good--I tried the case. He came back with about 150 statements that he'd taken from witnesses all over the country. Alfred L. Cline's victims might have been from Maine or Los Angeles or Portland or wherever. He had jumped all around the country.

The statements were brought in from these witnesses. I, getting ready to try the case, went through them and I just selected this witness and that witness--perhaps twenty of the 150. And we convicted Alfred L. Cline with them. Now that couldn't have been done before, under Brady's or any other administration.

Shearer: He must have had at least one victim in San Francisco for you to have been involved at all.

Elkington: What happened was that a telephone call came into San Francisco from Chicago saying that, "My aunt, Mrs. E. Delora Krebs, married Alfred L. Cline. She has died and I think the circumstances are very suspicious." This went to the missing persons bureau, which was then the least respected of the inspector's bureaus. The inspectors went to the police records; they found the name of Alfred L. Cline and that he was convicted of attempting to kill a man down in Fresno about ten years before. So they became interested in it, otherwise they probably would have passed it off.

So it developed that Alfred L. Cline had killed at least a dozen women around the country and in each case he would take all of their property. Sometimes he married them. He married this E. Delora Krebs, who was a very wealthy woman. So, we went out and arrested him. Then we sent out telegrams to all of the areas where we thought he had been involved in these crimes.

It hit the newspapers, our arrest of Alfred L. Cline. We began getting letters from police departments and district attorneys all over the country, saying, "Hold Alfred L. Cline for us! Hold him for us!" And so we did. It wasn't easy, because you can't hold anyone too long under those circumstances. We were holding for other jurisdictions, because so far as we knew there was no crime committed in California or in San Francisco.

Elkington: So then the first thing that we know is that Houston says, "Release our hold, we don't want him; they think they haven't got a case; he had cleverly concealed all evidence. So one after another the reports come in and we wind up with Alfred L. Cline in jail--we know that he's an arch criminal of the decade--and nobody wants him; that's when Harding McGuire went to work, traveling around the country.

We were able to get the estate of E. Delora Krebs to pay the expenses, and we just built up a beautiful case.

We convicted him of eight forgeries that were committed in San Francisco--there was no murder in San Francisco--no murder in California. He had taken a woman from San Francisco in the last murder to Portland, Oregon, and that's where he killed her. We had no murder.

Cline was here in San Francisco. From E. Delora Krebs, he had stolen some stock certificates here after he killed her, but he had killed her elsewhere.

While he was in San Francisco, he wrote to the company--this was about four-hundred dollars worth of stock, just a cheap little thing. He wrote to the company, signing her name, saying that she had lost the stock certificates and, "What do I have to do to replace them?" So they sent four affidavits and four undertakings (that's a bond), each of which had to be signed by her in order to get the new certificate--they were quadruplicates of each other. So, when he got those, he signed her name on each of them, eight times, eight forgeries.

Shearer: This was after she was dead.

Elkington: Long after she was dead. We convicted him of eight forgeries. He was consecutively sentenced to Folsom and he died in Folsom some years later. But, in order to prove the forgery, we had to prove that E. Delora Krebs didn't give her consent to signing her name. In order to prove that she didn't give her consent, we had to prove that she was dead. We could only prove that she was dead by proving that Cline had last killed Isabelle Vanatta, but he killed her under the name of E. Delora Krebs. He had killed E. Delora under another name six months earlier. So, we proved that he was guilty of two murders--we had to prove them in order to prove that he didn't have the consent of E. Delora Krebs. Cline was consecutively sentenced to eight fourteen-year sentences.

Shearer: Was this a sort of a triumph of the office that was used by the Brown administration?

Elkington: We thought that was. Nobody else would have him and we convicted him. We were very proud, Brown and the rest of us, with some of the things we accomplished--we were lawyers, we wanted to win. There were many other similar cases.

[Interview 2: January 11, 1979]##

Shearer: You were in private practice from about 1929--?

Elkington: 1928 through 1944. That's when Pat was first elected district attorney.

Shearer: At that point you joined the district attorney's staff.

Elkington: But I did still continue in my private practice to a much lesser extent for several years--I just did both jobs. I think I did reasonably well by both of them--I worked hard enough.

Shearer: Was that common then, to have outside practice?

Elkington: In Brady's office, Pat's predecessor, I don't believe that there was a full-time lawyer in the office. They'd go to their private office in the morning until it was time to go to the Hall of Justice and try a case and then go right back to their private office. Many of them were seldom seen in the district attorney's office.

Shearer: I remember your saying that full-time staffing was one of the changes that Brown made.

Elkington: I was something of an exception, I guess. He wanted to have full-time deputies, the salaries were not very substantial, and it wasn't a very attractive thing to many lawyers. So, that's the reason I think he had to yield a little bit and allow some private practice--at the same time expecting a sufficient amount of effort in the district attorney's work.

Criminal Justice: The Rules and the Practices

Shearer: Can you comment a little bit more on the criminal justice procedures, the policies, the practices of that time?

Elkington: The procedures were quite different. It depends upon what you mean by procedures. If you mean the rules relating to criminal justice, they are completely changed over during the last twenty to thirty years.

Shearer: Did the practices match the rules of that time or not so much?

Elkington: Well, the rules were ignored a great deal.

Shearer: For example?

Elkington: In the early part of this century, People v. Mayen [spells it], a decision of the state Supreme Court, said that once evidence against an accused has been obtained, the courts will not inquire into the manner in which it was obtained--that if you have the evidence, you may use it. That was a rule sent for us from a very, very high level. It's something like Plessy v. Ferguson in the United States Supreme Court, which said that blacks were entitled to equal treatment, but that whites were entitled to separate treatment. Who were we to complain? Particularly when we were lawyers wanting to win our cases, as every lawyer does. So, here the law said, once you get the evidence, you can use it--in effect, we don't care how you get it, in so far as the criminal prosecution is concerned. We certainly weren't critical of police officers who got the evidence the best way they could. At the same time, I'm sure that we all had a very fine sense of the necessity of not convicting innocent people. If the evidence was unreliable, that was something else, but if the evidence was obtained as a result of a Fourth Amendment violation, I doubt if we even thought of it in those terms then, or as a result of a Miranda violation--we didn't think of that in those terms. Miranda is the rule that requires a policeman, before he takes an admission or confession from an accused, to advise him of his right to counsel, of his right to remain silent, and the fact that what he says might be used against him. That's a very important rule today, just as that Mayen rule was. That was the rule that said, no matter how you get your evidence, it may be used.

I spoke of the rhyming--it was in 1954 when People v. Cahen (Mayen, Cahen) came out, which completely reversed the rule of People v. Mayen and said that evidence unconstitutionally obtained may not be used. We did, in the latter part of my years in the district attorney's office, respect Cahen.

Shearer: How was compliance achieved? How would you characterize the degree of enthusiasm and adherence?

Elkington: Immediately, upon Cahen, if the evidence was obtained as a result of a Fourth Amendment violation, that is, a violation of one's reasonable expectation of privacy--an unreasonable invasion of one's home or person without a search warrant, or without probable cause in certain other areas--that evidence, if it were improperly obtained, could not be used.

Elkington: I think an illustration would be, and it wasn't at all uncommon in those days, for a policeman just to stop a person on the street. Usually, it was some person they had good reason to suspect of criminal activity—just to stop them on the street and search them. They might find a gun. Okay, they'd charge him with being an ex-convict with a gun or they might find narcotics or whatever, and they'd use it. And those were the situations, where under the law, we the prosecutors, were permitted to use that evidence freely, without inquiry.

Shearer: How does that relate to the practice of suspicion booking that Brown instituted?

Elkington: They had something in common. Suspicion booking was more a practice of an organized, scientific, administration of the office. When Brown instituted the suspicion booking practice, it didn't interfere at all with our practices under Mayen to use whatever evidence was brought into us. Prior to Brown, as I think I've said, policemen would make any kind of an arrest, and the policeman would charge the accused with whatever he thought the crime was--there might be good evidence, there might be no evidence. The policeman arrested him, so he was booked and the matter very quickly comes before the district attorney. The deputy district attorney simply typed up a complaint and filed it and charged the accused. It went on through the courts until it reached the superior court--

Shearer: Following the direction of the arresting officer--

Elkington: Solely based on what the policeman had done. Well, there was a halfway point, that would be the preliminary hearing, where the determination [would be made as to] whether there was probable cause. That would weed out some cases, but not very many, because you need very, very scant evidence to obtain a holding at a preliminary examination. The only purpose of the preliminary examination is to determine whether the accused should be tried, not whether he's innocent or guilty.

So, for all practical purposes, the case came to the superior court on the strength of the policeman's view of the arrest he had made. After it got there, then the cases were often dismissed when they found there was no evidence, or whatever.

We weeded out those cases--it was a benovolent practice, because for those who otherwise would have gone through the mill of the criminal justice system up to the superior court, the procedure was never even started. They were screened out and dismissed right at the start.

Elkington: Now that doesn't have any real relation to the Fourth Amendment, People v. Cahen and the Miranda Rule.

Shearer: It was not a response to any instance?

Elkington: It was just a desire to run the office more efficiently and it was. I told you Bert Levit, an attorney, managed it and did an excellent job.

Shearer: About 1948, you were still practicing in the DA's office and privately.

Elkington: Well, up to January 1, 1949, yes I was. Officially and privately, I guess you could say. I don't think that anyone has said that I didn't do what I should have done so far as the city was concerned. I think I worked pretty hard. I know there were times, trying cases, I'd get to the office two o'clock in the morning ready for the day's work.

III RUNNING FOR STATEWIDE OFFICE

Shearer: It just sounds like a marathon. I'm just trying to get a sense of how your careers have paralleled. In 1946 he ran for attorney general, the first time and lost in the primary. Were you involved in that campaign?

The 1946 Attorney General Campaign: Lack of Billboards and Big Bucks

Elkington: I managed that campaign. That's an interesting story. Brown, a Democrat at that time, and a very prominent one, being the district attorney of the second largest city of the state, was quite a prominent figure in Democratic circles. Somehow or other, he became their "fair-haired" boy to run for state office. And the state office then was the attorney general's office.

But Brown was a candidate for attorney general on the Democratic side. (I was a Republican.) I had nothing to do with the campaign for quite a few months--just knew that Brown was getting ready to run for office. I would see huddles of people down at Brown's private office, talking about the campaign. I can remember thinking, "Well, I'm kind of fortunate I'm left out of it and not having any responsibilities here."

I did know that early in the campaign one of his campaign people had contacted an advertising man, press agent, or publicity man for billboards. Billboards are a necessary part of every campaign, particularly the twenty-four-sheet type, those are the big paper boards. There were even two-three- and six-sheet boards. But the twenty-four-sheet boards were the important ones. We had to have a statewide showing of twenty-four-sheet boards. That's statewide three or four hundred boards, properly placed. It's a pretty good showing--main highways, main parts of

Elkington: the cities. It was quite expensive. So this advertising fellow came up and said, "I've got the boards," four hundred or six hundred, or whatever the amount was. "Where are you getting them?", he was asked. "I'm getting them, don't worry, it's all taken care of, take my word for it." Something that he wasn't at liberty to talk about, but he guaranteed he had them.

I learned about most of this later, after the event. From time to time, the Brown people were assured that they had the twenty-four-sheet billboard and that when the time came they'd be there. So, when the time came, this fellow very sheepishly confessed that the boards weren't there.

Brown's opponent was Fred Napoleon Howser, from Los Angeles. He was the district attorney of Los Angeles, had been criticized for the goings on in his office. He was reputedly involved with Tony Cornero Stralla and the offshore gambling boat. He was the subject of very much criticism--press criticism and otherwise. He was a Republican.

It's turned out that this advertising man had counted on boards that belonged to or were leased by the liquor interests--Artie Samish's liquor interest clients. They had a practice then, perhaps, now--I don't know--to release their boards for two weeks or a month or six weeks before elections to favored candidates or for favored propositions. You'd have to pay for them if they released them to you. It would cost them nothing, except they gave up the boards for that period of time. These people were curious to know just who they were giving these boards to. When they found out it was Brown, well, they just weren't for Brown.

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Elkington: They refused to allow Brown to have them.

Shearer: Was that because of his particular stand on liquor?

Elkington: No, it was because of Howser.

Shearer: Just because they were for Howser.

Elkington: It might have been because Brown was something of a straight and they didn't approve, generally, of his practices. Mostly because they were just "gung ho" for Fred Napoleon Howser for attorney general.

So there were no billboards. That campaign went right down to election day without one twenty-four-sheet billboard in the state of California for Brown.

Shearer: You think that was a significant factor in his defeat?

Elkington: He didn't show up very well—he might have lost otherwise, but it certainly was a significant factor. And he had no money.

But it developed that there were no boards, and here it was five weeks or so before election day: and all the billboard companies by that time had committed themselves to others. We might have sooner gotten our boards elsewhere, had it not been for this promise.

Then Pat Brown saw me, a Republican in the office, and said, "Norm, I'm sick and tired," or whatever he said. He was horribly provoked at the way things had gone. He said, "Norm, I want you to come in and manage the campaign for me." So, I did. From that point on I managed the campaign, very unsuccessfully.

Shearer: How could you have pulled it out of the fire do you think at that point? With no money?

Elkington: We had practically no money.

Shearer: Where did you get money?

Elkington: Most of it from his friends--myself and others--close friends.

Shearer: How much money at that time was considered sufficient for a campaign?

Elkington: A statewide campaign. I'd say we would have been very happy to have had \$250,000. It would have put on a good campaign. I'm sure. Howser had much more than that. I don't think we had \$50,000 throughout.

Shearer: How did you spend the money that you had?

Elkington: We had some paint boards. Those are the boards that are specially painted. They're usually larger. We had maybe fifty around the state. They were quite expensive.

Shearer: But, that was considered the way to reach the people?

Elkington: No, it was just one of the ways, and a very important way. Radio then; there was no television. I guess that radio was the number one medium.

Shearer: Was that considered quite expensive then?

Elkington: Yes, expensive in those days. Today it wouldn't sound expensive. I don't recall what radio time cost. My recollection is that it cost \$1,900--that would be like \$19,000 today--\$1,900 for statewide newspaper advertising coverage of the radio program, which you had to have. And that would be a little one-column, three-inch ad in the newspaper, usually on or close to the radio page.

Shearer: That would be in all the papers?

Elkington: Well, those of the California Newspaper Publishers Association members and that was 95 percent of the coverage of the papers. There were many other smaller papers that weren't members, but it covered such papers as The Chronicle, The Examiner, The Call and News in San Francisco in those days--it constituted 95 percent of the statewide newspaper coverage.

It was \$1,900 for one statewide newspaper ad and that wasn't easy to come by. Plus the cost of the radio time.

Shearer: What did you put into the radio time? Short speeches, like one or two minutes or fifteen?

Elkington: I guess they were fifteen-minute spots. The speech then would run maybe twelve minutes. Well, whatever you hear in an ordinary campaign--you hear all sorts of things.

Brown and I had our differences. I remember very definitely in those days--here was Fred Napoleon Howser--I use that Napoleon because there was another Fred Houser, who later was lieutenant governor--that's why I emphasize the Napoleon Howser. The other's spelled H-O-U-S-E-R.

Howser had gotten an enormous amount of bad publicity over that gambling boat operation that was run by Tony Cornero Stralla and other bad publicity in Los Angeles.

Shearer: And what had Howser done?

Elkinton: I'm not sure of the details. I just know that he was criticized widely.

Having no money, it was my opinion that the only possible way that this election could be won was to thoroughly downgrade Howser. I think Pat is a kinder man than I am--he couldn't bring himself to do it. For one reason or another, he just couldn't bring himself to go on the air and accuse Howser--making the most of all of this bad publicity. Whether he's right or I was right, nobody can ever say, I guess, but I can remember some disputes as to how this should be handled. Although he made

Elkington: some of the speeches (I wrote them); he didn't have his heart in it. And toward the end, he made other kinds of speeches. Well, that was that campaign.

I remember one incident, when we had arranged for a radio speech--I think it was one a week, that's about all we could afford with the advertising statewide; maybe six or eight stations in the state--I had, with the greatest of difficulty, scraped up \$1,900 to pay for the advertising. The radio time had already been paid for weeks before, otherwise we wouldn't have had it. The check had been put in the mail to pay for the newspaper advertising, and Bill Malone, the Democratic county central committee chairman then, telephoned me and said, "Norm, what are we doing about advertising this speech that Tom Clark is making for Pat?" (Clark was then the U.S. attorney general, later on the United States Supreme Court.) I said, "What speech is that?" "Oh, he's making a speech for Pat day after tomorrow on this network at this time!", and I said, "Oh, no, no, no, he's not; Pat's making that speech. We've put the speech in the hands of the station. (They wanted then to edit them beforehand.) Tom Clark isn't, Pat is." Bill said, "Oh, no, Tom Clark's making it!" I said, "No, Pat is."

Well, it developed that Pat had agreed to it, in his easygoing way. Someone had suggested that Tom Clark would be delighted to make a speech (probably a good idea), but nobody bothered to check with me. Well, furiously, at the last minute, I was able to change the copy--it wasn't easy because it had to go to the CNPA [California Newspaper Publishers Association] and then out to all of its member papers--so that it advertised the Tom Clark speech for Brown. We had almost advertised Pat Brown making a speech himself, on a certain subject and then on the radio would have Tom Clark--

Shearer: It sounds like it was kind of a difficult campaign to manage.

Elkington: Well, it was. Then I remember, I traced Brown around the state to find out (he was just moving from one place to another and you were never quite sure where you could find him). I talked to him about this change in the radio and chewed him out. I was just furious about not knowing about it. I can understand now, as anybody might have, Brown was busy and had other things on his mind. And I guess, he always got bad news when he talked to me on account of our having no money.

So, I said something like, "No reason for me to be here--get somebody else to run the campaign." That's the way I talked to him.

Elkington: So, he said, "Okay, Norm, if that's the way you feel, okay." And then he hung up, I hung up, and I thought to myself, now what have I done? The last thing in the world I wanted to do was to abandon him and the campaign. I just felt so badly--I was disgusted then with myself.

The next morning, about seven o'clock I got a telephone call at home from Brown, saying, "Norm, I want to tell you how much I appreciate everything you're doing. You're doing a swell job. I'll never forget it and I know the trouble you're having and all. I'll tell you what I'd like you to do. Would you get in touch with so and so--" All over again, I was campaign manager. Right back in where I had left off the day before. So, that was one of my recollections. The campaign, well, it wasn't really a disaster because it set him up beautifully to be elected four years later.

Issues of the 1950 Attorney General Campaign

Shearer: I wanted to ask you whether the issue of the gambling ships and Tony Cornero Stralla was then used again in 1950? Did that surface at all? Was it mainly in the primary?

Elkington: By that time, Howser had been attorney general for four years. One or more of his representatives, as I recall, were convicted of trying to organize slot machines. There was a conviction up in Mendocino county.

I know that Howser was pretty much repudiated during his four years as attorney general, to such an extent that Earl Warren, who was then governor, organized this California Crime Commission--that's my recollection of its name--to supplant the attorney general's office where it was necessary in aid of proper law enforcement. That information would be available to you in the newspapers of the day.

Howser was, I think, quite thoroughly discredited during his four years and Brown was the only person to run against him, and he did. This time there was as smashing a victory as the defeat had been smashing four years before. And this time I had nothing to do with the campaign. It was more professional--it had more money.

Press Coverage in the 1946 Attorney General Campaign

- Shearer: Back to the 1946 campaign--what was the role of the press? Did you get any print press coverage? Could you rely on that?
- Elkington: My recollection is that the press was not very helpful. At the same time, the press was not particularly friendly to Howser--the responsible press. But the press, apparently, considered Brown a loser--couldn't possibly make it.
- Shearer: Because of the big disparity in finances?
- Elkington: The way it was going--starting out with the disparity of financing, it looked like Howser was going to win. All you heard about was Howser--those things grew like a snowball. By the time that the press got really interested in the campaign, Howser looked like a winner and Brown a loser, so they weren't about to--in their human nature--extoll a loser and, in a sense, go down to defeat themselves. That's my recollection of the press. They weren't very helpful in that election.
- Shearer: They did cover the campaign, but it was lopsided in favor of Howser?
- Elkington: Warren was a Republican then--Warren was reelected that year. Bill Knowland, who was then the Republican floor leader of the United States Senate, or about to become that, was also elected. It was kind of a Republican year; the biggest Republican year the state had had for a long time.
- Shearer: Who is the public relations fellow who had made the arrangements for the paint boards?
- Elkington: I don't remember his name and I doubt if I'd tell you if I did. He did it with the best of intentions. I'm sure he had the absolute promise of agents for the liquor people. He acted in the best of faith. He was positive he had billboards but he didn't realize the coming implications.

Problems of Campaign Funding

- Shearer: That brings up another question on campaign funding. You mentioned that for the most part, it was Brown's friends and people who knew him--individuals rather than any identifiable interest--who contributed to his campaign.

- Elkington: Mostly from San Francisco--I think his campaign was 80 percent funded from San Francisco. There was some money from the Democratic State Central Committee. And from the local central committees of the different counties, but very little. It's fair to say, it was mostly from his friends and friends of friends.
- Shearer: What about the practice of playing both sides of the fence, with corporations contributing to one candidate and contributing, perhaps not an equal amount but something, to his opponent. Was that practiced?
- Elkington: There were perhaps a few contributions of that nature. There were some very small corporate contributions. I think you'd have to say those corporations were friends, at least not unfriendly. I'm positive that in many cases the same contributions or more had been made to the other side.
- Shearer: It's interesting that Max Sobel, who was certainly in the thick of the liquor industry, became the northern California finance chairman for Brown in his next campaign for attorney general. How did that develop?
- Elkington: I believe that the liquor industry at the time of the first campaign was completely under the domination of Artie Samish. And that Artie Samish was completely behind Howser for his own reasons. He just said, "We will not support Brown!" I think that was the situation. I'd say the industry was completely under his domination--it was a domination that was conferred upon him by the industry, and they were very happy with it. I say that because, during that campaign there was an executive officer, probably the president, of a brewery in San Francisco, who was a long-time San Franciscan, and had known Brown, and knew many of his friends. And he had suggested, that if asked--contributors like to be asked--that he or his company might contribute to Brown's campaign.

I went out to see this fellow. I told him we'd be delighted to have a contribution from him and he said, "Well, that's fine, okay now. You just get in touch with Artie Samish and work it out." The clear implication was that they had an arrangement with Artie Samish that everything had to clear through him.

- Shearer: So he knew whom to finger in the future.
- Elkington: So he'd get the credits. We talked about that and we needed the money badly. We didn't want to have anything to do with Artie Samish.

Elkington: But I remember, we went out to the publisher* of a San Francisco newspaper, a very ethical, high-principled, newspaper man. He was for Brown for attorney general, and we told him of our problem. And he said, "We all agree do we not, that Artie Samish is a bad political influence on this state?" Of course, we all did. "Well, doesn't that answer the question?" And it did, so we never got a contribution from that brewer.

He made it so clear--things are either right or they're wrong and this is wrong, so that's the end of it. He made it easy. I don't remember whether Brown was with me at the time but I remember that so clearly. Just hoping that he might find some rationalization for it--that we're really getting it from them [the brewers] and not from Artie Samish.

Shearer: Was the publisher a friend, an unofficial advisor, or did he have a place in the campaign?

Elkington: I wouldn't say that he had a place in the campaign, but his newspaper was always friendly to Brown. I guess you would say he was an advisor.

The CIO-PAC Label

Elkington: Another interesting newspaper incident, in those days. Well, all of the San Francisco newspapers, except for the one I have mentioned, were for Howser, just because he was going to win, I guess, and it was the thing to do. The San Francisco Chronicle formed a practice, during that campaign, of calling Brown the "CIO-PAC candidate"—CIO Political Action Committee Candidate. The CIO Political Action Committee was in disfavor with many people in those days. This was around the McCarthy era and the CIO-PAC was much frowned upon.

Day after day, the Chronicle never mentioned Brown's name without describing him with the adjective "CIO-PAC candidate" Edmund G. "Pat" Brown. That was pretty much the kiss of death.

Shearer: This is still in the 1946 campaign. I notice this sort of anti-Red and anti-Communist issue was coming to the fore in the 1950 campaign, but apparently it was building up earlier.

Elkington: Well, it was building up. The publisher, the big man of the Chronicle in those days was Paul Smith. Paul Smith was a boy wonder. He might even then have been in his late twenties. He was just a very able young man, who just had a meteoric rise.

*Frank Clarvoe

Elkington: He was the publisher or managing editor of the Chronicle. We had been exposed to this CIO-PAC candidate publicity for weeks on end. We knew Paul Smith well--a very fine, high-minded person.

Parenthetically, I think this is interesting, and descriptive, of Paul Smith. There was a lettuce workers' strike down in Salinas at the time, a very bitter one. The people of San Francisco and the area were pretty well divided. They were sympathetic with the strikers, or antagonistic toward them. The newspapers generally took positions, and I think most of them favored the growers, but there was much to be said for the other side. Paul Smith of the Chronicle had to make a decision which way to endorse--one way or the other. The decision was left by the owners to Paul Smith. And it was a hard decision. There were threats of San Francisco advertisers pulling their advertising out, on account of the favorable news publicity that the Chronicle had been giving the strikers. So, a decision to editorially support the strikers was a hazardous one. But Smith decided to support the strikers, with a front-page editorial, saying that they were doing that in spite of the threats of their advertisers--a courageous thing to do. This, I think, puts Paul Smith in his proper perspective.

But, anyway, he was the one who was directing the Chronicle and directing the "CIO-PAC candidate" [publicity] about Pat Brown. I walked out to the Chronicle one day to see Paul Smith, whom I had known for some time. "Yes, Norman, what is it?", he said. I said something like this: "I think that the fundamental purpose of a newspaper is to inform its readers, isn't that right?" "Yes, yes, of course it is," he agreed. "And I also suppose that those subscribers should be honestly informed, shouldn't they?" "Why, yes, indeed, no question about it," he said. I said, "Well, for five weeks, or whatever, day after day, the Chronicle has been describing Pat Brown as a CIO-PAC candidate. Pat Brown is no more the CIO-PAC candidate than I am or you are! And you are misleading your readers."

He looked at me, pressed a button, and at the door stood Squire Behrens, the political editor. "Yes, boss," or whatever, Squire said, and Paul Smith said, "About the Brown campaign; no more of that 'CIO-PAC.'" That ended it. There was never again any mention that Brown was the CIO-PAC candidate.

##

Shearer: --the CIO-PAC.

Elkington: [Smith was for Howser] because he was supporting the Republican candidates, and Howser happened to be one of the Republican candidates. And on balance, it's better, I suppose he thought,

- Elkington: to have a Republican ticket elected and not to split the ticket and not support a Democrat. He had supported Brown for district attorney just two years before. He weighed values and thought it was very important to elect this slate of Republicans, even though he had to swallow Howser in the process of doing it. I think that was his thinking. So, having made the decision for Howser, the impulse was to do whatever would advance Howser's chances. But he changed on the CIO-PAC.
- Shearer: What did it mean, specifically, to be called the CIO-PAC candidate?
- Elkington: I think it caused people generally to identify Brown with the "way-out," radical--Communist, whatever, element or worse. And it hurt him politically.
- Shearer: What position, do you recall, the paper taking on Helen Gahagan Douglas and Nixon and Roosevelt in 1950?
- Elkington: I just don't remember.
- Shearer: Did you not have an official role in the 1950 campaign?
- Elkington: No. In the end of 1948, I left the district attorney's office and went into private practice. I was pretty busy with my practice, and his second campaign came along during that period that I was away from the office, so I had nothing to do, officially, with the campaign.

I was away from the office for a couple of years. As I think I've said, I developed a little bit of heart trouble which I've never had since, and the doctor said, "You're going to have to take it easy; you can't work so hard." I said, "How can I take it easy? I've got a case to try tomorrow morning and another one next Monday" and that sort of thing. And that's hard work, I don't know whether you know that or not. He said, "Well, your trouble now is functional. It's not too bad now but it will develop into something serious, and all I can say is you're going to have to learn how to take it easy."

I didn't know how to take it easy then--I went for seven months, one time, without ever missing a day--Saturday, Sunday, holiday or whatever--from my law office. So, anyway, about that time, after Brown was elected attorney general, Lynch became district attorney. He called me just within a few days of the doctor's announcement to me and said, "Norman, I'd like to have you come back to the office as chief deputy." And I said, "Well, thanks a lot, but I just left there a while ago; I appreciate you thinking of me, but I'm not interested." But after I hung up,

Elkington: in the next few days I began to think more and more of it--this may be an answer to my problem, because there I was pretty much my own boss. I could work at whatever speed I wanted to work at and that's not true of a private practice.

I think he did say, originally, "Well, think it over and let me know." That's the way he left it. About a week after his call, I rang and said, "I thought it over and if it's still open, I'll be down there." And he said, "Fine. Show up in the morning."

I had a two-year gap from continuous service in the district attorney's office.

I've never had a touch of that trouble since and my heart today is in just beautiful shape, my doctor says. I'm seventy-five years old, too.

I worked hard; one year I tried only two cases, but each of those cases took three months to try. And the rest of the time I spent preparing for them, you know, at my own pace. So, it worked out nicely.

So, then I was with Lynch for several years until I was appointed by Brown to the bench.

Shearer: That would have been 1959. It sounds as though you did learn to pace yourself. That's a great achievement.

Elkington: I don't know, I'm as hard a worker as there is on the court right now, but I've never had any recurrence of that trouble, never the slightest. It seemed very serious at the time. I awakened one morning and tried to get out of bed and--[door knock; staff member delivers files] the room just went around me. I just felt as though I'd had about six martinis or so--just as dizzy as I could be. I tried to get up and I had to hold on to the bedstead to support myself. And I never experienced anything like that before. It eased up a bit as the day went on, and I did get down to the office, but all day long I felt kind of lightheaded, something wrong. The same thing happened the next day and that's when I went to the doctor. He sent me across the street to have an electrocardiogram, and that didn't show up well. That's when he excitedly told me, "You've got to take it easy now; you can't work so hard and all." So, that's why I went back to the DA's office. I probably wouldn't be here today if I hadn't gone back to the DA's office. I think I just probably would have lost contact, nobody knows.

Shearer: But what a frightening experience, to be reminded so dramatically of mortality.

Elkington: Never had the slightest inkling of it since--the doctor today says my heart is just perfect--blood vessels, blood pressure, everything is right.

Pat Brown's Political and Personal Style

Shearer: I have just a couple of other questions. We talked a little bit about how difficult it was to get Brown revved up to attack Howser as you felt he should have in that campaign. Can you characterize him as a campaigner and a political leader? Give an idea of how he relates to the people around him, how he makes decisions. Is he the kind of person who seeks advice or does he dominate the group he's with? How does he work with people?

Elkington: Well, he's very much of a human being. I think he'd be the first to admit that he has his shortcomings and faults, as we all have. No one could characterize him as a dominant person, who gives orders, and is always right and that sort of thing. He's a very kind, compassionate sort of person; he doesn't like to harm anyone. I don't think that Pat has an enemy in this world, and if he has one he'd love dearly to have it otherwise. He just doesn't take very well to the real vicious rough-and-tumble type of political activity. I guess that's to his credit--I'm sure it is--at least it's not to his discredit. He just couldn't find it in his heart to mercilessly attack Howser on account of the bad publicity he had been getting. I thought that was the only way he could possibly be elected--if he could just so thoroughly discredit Howser, but Howser had just too much going for him at the time.

He could make decisions. He could change his mind. Well, one of them was the Tom Clark radio speech, where a more highly organized human being would first have gotten in touch with me and said, "This is what I've done, take care of it!" But he didn't. So, he's a human being, and a fine one.

One time his automobile was in the shop for a few days; I would pick him up on the way to work. And one day, about the third or fourth day of our trips, he said, something like, "Golly, gee," (that was an expression of his), "you always go to work the same way every morning." And I realized I did--every day, just the same way. And I realized he'd take a different route every morning or almost every morning. To him, it seemed strange that I'd just go the one way every morning, and to me it was just as strange that he'd select a different route every morning. Anyway, whatever that adds up to I don't know; it's a difference in personalities anyway.

Shearer: Is he the kind of person who just makes lots of friends easily? Or a few friends who stay with him forever?

Elkington: Oh, no, he has lots of friends and keeps them. As a politician, that's not always easy, because you have to make decisions. Perhaps the only enemies, if they are enemies, might be those who expected some sort of an appointment, particularly judicial appointments, from him and didn't get them. For every appointment that was available, he had perhaps twenty-five or fifty aspirants for it, so he had to turn them down. He often mentions that himself, laughing. Every time he made a judicial appointment, he developed one ingrate and fifty enemies.

Shearer: How does he tend to choose his staff? On the basis of loyalty, expertise, intelligence, willingness, ability?

Elkington: He's very loyal to his friends and I think that it's very easy for him to see in his friends the ability and loyalty and whatever it is that there should be for an appointment. Most of his friends in San Francisco--his lawyer friends anyway, with very very few exceptions--have been remembered in some way by him. It may be that there were better people available for the jobs, but I think he found it hard to see it. He's a kind, compassionate person, who doesn't develop enemies easily. I think there's a good illustration of that, which brings us back to this 1946 Howser-Brown campaign. There was a lawyer who had been a deputy district attorney, probably the chief deputy district attorney in Howser's office, the Los Angeles district attorney's office. That lawyer's name was Charles Stratton. Now just as I probably spearheaded what might be called the "viciousness" on Brown's part in the campaign, pretty much unsuccessfully, Charles Stratton did the same thing for Howser and his campaign. Stratton was always bitterly critical of Brown.

Brown hadn't been governor for very long (this was ten or twelve years after that campaign). I saw Brown one time and he said, "Norm, you remember that Chuck Stratton down in Los Angeles, remember Chuck Stratton?" I said, "I sure do!" He said, "You know what I've done, I appointed him to the superior court!" [laughing] Now if there's any one person in Brown's life who could fairly be considered an enemy, it would be Chuck Stratton. Brown couldn't allow that to be, and he appointed Chuck Stratton to the superior court in Los Angeles. I don't think that any of us ever heard of any other politician that could do a thing like that. Brown, he's a compassionate, decent man, who doesn't want to have enemies. He's very forgiving.

Shearer: Has that trait ever been a real limitation for him, do you think?

Elkington: All throughout Brown's political career, his first friends--close friends--have always been critical of things he does, things he says--shouldn't do that, it's not politically smart and all. Yet, it's Pat's personality, his temperament--it's the things he does and the way he does them that made him governor and attorney general. Another type of personality, cautious and careful, probably never would have reached the places that Brown had gotten to.

So, he's been criticized, and I have been among his critics of things he's done, from time to time, but in the long run, he's been right, and I've been wrong. I think Brown's personality had brought him the political success that he's enjoyed, and without it he never would have made it.

I remember a trip to a district attorneys' convention at Catalina Island. We were going back home to the mainland, and on the boat there were a lot of young boys and girls, high school kids. The rest of us were kind of tired and just off to ourselves and here Pat was out there chatting with these kids, asking about their high school, and if they had a good football team. They just clustered around him--they just enjoyed every minute of it and he every minute of it.

He made a lot of political "boo-boos" that he himself has regretted, but he's risen above it. Once he made a speech, very critical of the insurance industry when he was governor. And another time, Henry Ford the second or third (that was the present executive back then)--I think his daughter was being married, and he spent a few hundred thousand dollars on the wedding. Brown's speech was very critical of great wealth, squandering money that way when there were so many other ways it could be spent. Well, nobody could really criticize Ford with his millions or billions, spending a few hundred thousand dollars on his daughter's wedding. It just wasn't a thing to have said at the time. Brown regretted it afterwards. I think the reason was that he had just acquired a new speech writer and this new speech writer was a little bit off in the distance, in his political and economic philosophies. At least they weren't accepted in that day. Brown just delivered the speeches as they had been prepared for him.

Shearer: On some of the later issues, such as the Chessman case, and the 1960 presidential convention here in the state--were you surprised at the decision he made and the length of time it took him to make the decision?

Elkington: With Chessman? No, I wasn't surprised; I think that's Brown. I think that better illustrates my answer to your question a few moments ago, Brown just can't bear the thought of imposing

Elkington: capital punishment on any person, just doesn't like it. And yet he's mindful of the fact that crime has to be punished, sometimes drastically, and also the fact that many people think that it should be. He was having a horrible time making up his mind all through those years that Chessman was awaiting his execution. He just couldn't bring himself--he might make up his mind two weeks before that this time the sentence shall prevail, but then when the time comes, the night before, he feels, "Oh, my God, I can't allow that to happen!" And he just rings the warden and gives Chessman a reprieve.

One time (I think this is common knowledge), the last time the execution was stayed, Brown said something like that--once again, he stayed the execution. This was the time that everybody was convince that it would never again be stayed, the judgment would be executed. Sure enough, late that night Brown rang the warden and held up the execution and he said something, half facetiously, perhaps, like "I heard the voice of God! That voice of God told me!" Well, the voice of God was the voice of his son, Jerry Brown, from the Jesuit seminary, telling him, "Dad, you can't let Chessman die." And he didn't let him die.

Shearer: I think I heard something like that.

Elkington: I thought it was a secret with me for a while, but then somebody had told me, it's in one of the books about Brown.

Shearer: I've seen so many of his transcripts now, it's hard for me to sort out what I've read in his book and what I've read in manuscript.

Elkington: It's common knowledge anyway. For a while I thought that it was something else. I wouldn't mention for fear that it might be embarrassing to him. I think Pat even mentions it himself in his speeches.

Pat Brown's Family

Shearer: I think he does give Jerry some credit for having done that. I did want to ask a little bit about Jerry, do you know him?

Elkington: I think I went to his christening! [laughing] I know I went to his sister, Kathleen's christening; I remember that vividly. She's Kathleen Rice now. I remember him as a kid. Sometimes he'd come in and out of the office to see his father.

Shearer: What was he like as a little boy? Was he a very serious little boy?

- Elkington: Oh, very serious, as he is now--completely unlike his father. I think he takes after Bernice so much.
- Shearer: What is she like? You knew her socially all through the years, too.
- Elkington: Well, she was much more introverted than Brown and much more serious--just a different personality. Jerry, it seems to me and to many others, has taken after her very much--not at all after his father.
- Shearer: How do Bernice and Pat relate to one another, being so different?
- Elkington: I think they've complemented each other. I think she's been a steadying influence upon him. Pat once described himself to me as being "harum-scarum," after something had happened and he'd changed his mind about it. He's kind of an impulsive, perhaps emotional, person. I think that Bernice has been sort of a steadying influence upon him in many respects.
- Shearer: Do you think he's drawn influence from her on issues?
- Elkington: I think so, to some extent. I think she's a very intelligent girl and has thought out a lot of the problems of our present day society. And I think to a considerable degree, that she's been influential on Pat's point of view.
- Shearer: Does she enjoy politics?
- Elkington: I think so. Few human beings could resist it--the limelight of being the first lady and being kowtowed to and honored and all. In the early days, in my opinion, she would have preferred Brown to stick to his law practice and forget about politics. But with his success, I think that she enjoyed it to some extent, but essentially, in my opinion, she's not a political person.
- Shearer: Did you make use of her help or presence in the 1946 campaign?
- Elkington: No, I don't recall that we did at all. She would, of course, be with him at receptions and things like that, but certainly there was no intentional use of her by setting up situations where her appearance might be helpful to him. It might have been otherwise had she invited it or seemed interested in it, but I don't think she was.
- Shearer: Didn't some candidates' wives enter into it.

Elkington: Some candidates wives--I remember one candidate, his campaign revolved 90 percent around his wife and family and his mother and his father or grandfather. You'd always see a family picture; it would be everywhere. Of course, that romance broke up. The candidate and his wife have long been separated, and the kids have chosen sides. It was an unfair portrayal and it's sad, but that was a gimmick that was used because it would be helpful. Nothing like that was ever done with Brown and Bernice, much to their credit, I think.

Shearer: I guess there is real difficulty in trying to live a political life and have a family at the same time.

Elkington: There are a lot of divorces aren't there, but there are many divorces in political life. There was one just the last few days and I forget who it was?

Shearer: Someone local?

Elkington: Someone who's prominent in politics. Oh, what I'm thinking of is Hearst--Patty's parents--that's what I was thinking of. And that's not political at all; that's something else again. But there are a lot of busted marriages in political families, maybe not more than ordinarily, but it seems to me that there are.

Well, I hope I've been of some help to you.

Shearer: I think you're been a great help. I just want to be sure that I haven't overlooked something on the 1950 campaign.

Helen Douglas and the 1950 Campaign##

Elkington: I thought he [Brown] was doing mighty well in the 1950 campaign. Howser was completely discredited but he was still a Republican candidate. Brown had everything going for him in that campaign. I think that when everything is going for the politician, there is a tendency for the politician to run his own campaign and not to involve himself in the campaigns of other running mates, so to speak. If you're not doing well, then you reach out and try to embrace your running mates for whatever good that might do you.

I think he was wise enough and my observation was that he did just simply run his own campaign and not get himself involved in any of the others. Candidates develop enemies, and one candidate embracing another often does himself a disservice.

- Shearer: Well, I know that there was some talk among the campaign workers as to whether it was advisable for Brown to appear, not only on the same platform with Helen Gahagan Douglas, but even too soon afterward, because he might then be tarred with the same brush, when she was being Red-baited.
- Elkington: I don't know a thing about that. I think I can see a problem in Nixon. Even in those days, he was vicious. A lot of people believed him. It makes no political sense, just for the sake of being right or honest to do yourself a disservice by trying to rescue some other candidate. My guess is that he stayed pretty much out of that campaign. You're suggesting that he deliberately avoided any contact?
- Shearer: I think I remember reading that there was a decision made at some point to try not to appear as essentially "running mates" of Jimmy Roosevelt, who had his own set of personal problems at that point, and Helen Douglas.
- Elkington: Every candidate has that problem. What will be his relations with other people of his party running for office at the same time.
- Shearer: Was it clear to you that Helen Douglas's campaign was faltering?
- Elkington: I wasn't particularly interested in it at the time, so I just have no recollection of it, but you remind me that Nixon was running against her and it was kind of a bitter campaign. I have no recollection at all. That's when Jimmy Roosevelt ran against Warren.
- Shearer: That's right.
- Elkington: Here was Warren, who was a very successful Republican officeholder. He hadn't at that point developed or at least exhibited the liberalism that later appeared, but he was a highly regarded person and it would have been a very improvident act for Brown to have gotten himself involved with Roosevelt's campaign. A lot of Democrats in those days were ready to vote for Warren and did. They must have because the Democrats completely outnumbered the Republicans in registration. It would have been very unwise for Brown to have "cozied up" to Jimmy Roosevelt, in my opinion. He had the basic Democratic vote anyway. There might have been other considerations so far as Helen Gahagan Douglas was concerned--Nixon won. You're interested in it more than I--was it by a landslide?
- Shearer: It was a big vote--

- Elkington: Then it would have been wise for Pat to stay out of that campaign, wouldn't it? To the extent that he identified himself with her campaign, he would tend to lose the support of people who could vote for Nixon and also vote for Brown.
- Shearer: It was 2,183,454 for Nixon to 1,502,000 for Douglas. That's a substantial margin.
- Elkington: I think anyone would have advised Brown in that day to stay out of both the gubernatorial and the senatorial campaign and run his own. That might even have resulted in advice to avoid public appearances with others. I have no idea what actually happened, but I think maybe that is what did happen--I wouldn't hold it against him at all. He was there running his own campaign, trying to get himself elected and he was to do everything necessary to get himself elected. I'm sure he had that advice, and he might even have yielded to it.

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Helen Ewing Nelson

THE FIRST CONSUMER COUNSEL IN CALIFORNIA

An Interview Conducted by
Julie Shearer
in 1979



HELEN NELSON

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INTERVIEW HISTORY

Helen Ewing Nelson is used to taking the long view in working for social change. She estimates that it takes "about ten years from getting a well-developed idea and a necessary, maybe inevitable, change to having it actually accomplished." This point of view served the former statistician and research economist well in her tenure as consumer counsel for the State of California, a position proposed by Governor Edmund G. Brown, Senior, in his inaugural message of 1959 and established by the legislature that same year.

When Mrs. Nelson became the official "voice of the consumer," she had the task of educating the California public to think of themselves as consumers. Initially, her official resources were: a secretary, a budget of \$25,000, and a legislative charge to "advise the governor on all matters affecting the interest of the people as consumers" and to recommend legislation to protect that interest. In her words, she had "no clout..., nothing but a mouth."

In her seven years in office, Mrs. Nelson attempted to husband the modest resources of the Office of Consumer Counsel to create a voice that spoke louder than its budget. And she achieved a large measure of success, judging from what the California consumer had come to expect in the marketplace by 1966--full disclosure of credit interest rates, truthful and complete listing of ingredients, auto and TV repair reforms, sales tax exemptions for prescription drugs, and installment-buying reforms outlawing deficiency judgments and giving the buyers the right to a written contract.

In her oral history interview, documenting her role in the gubernatorial administration of Edmund G. Brown, Senior, Mrs. Nelson recounted what it was like to be the official consumer advocate working within the governmental system and simultaneously helping to create and direct citizen pressure from the outside. She discussed her efforts to research citizen complaints; organize PTA members, shopping-cooperative members, and mothers into lobbying groups; use the consumer counsel's independence from the governor's office to take highly visible positions that the governor couldn't take; and extend the educational arm of the consumer counsel by supplying consumer news to fill papers and prime-time public affairs programming on radio and TV. She also discussed the approach of encouraging enforcement of existing laws to get at consumer fraud rather than creating fresh legislation. She included observations on persons of influence surrounding the governor and comments on the importance of gaining access to the governor. She also discussed the particular frustrations she encountered as a woman in politics and government in dealing with the male-dominated legislature and bureaucracy where policy and political alliances are often forged after hours in a nearby bar.

After serving in the Brown administration, Mrs. Nelson was appointed associate director of the research and development of the Center for Consumer Affairs at the University of Wisconsin Extension, then director of the center, associate professor, and then professor at the University of Wisconsin in 1974. Throughout this time and to the present she has served as a consultant to government and industry; president or board member on numerous state, national, and regional consumer organizations dealing with consumer law and health care; and has been active in professional organizations in economics and labor arbitration; as public governor of the American Stock Exchange; and has published many articles.

Since her return to California in 1979 and during the process of recording her oral history, Mrs. Nelson has served as president of the Consumer Research Foundation and has won a seat on the board of directors of the Cooperative Shopping Centers based in Corte Madera, Berkeley, Oakland, and San Francisco.

These thoughtful recollections of the Brown administration were elicited in an extended interview on July 25, 1979 at her Mill Valley home. The lightly edited transcript was sent to Mrs. Nelson along with several additional questions for her approval. She gave the transcript careful review, over a year's time due to the press of her professional commitments. After adding some clarifying details, she returned the approved transcript to the oral history office for final typing and processing for publication.

Julie Gordon Shearer
Interviewer-Editor

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University of California at Berkeley

THE FIRST CONSUMER COUNSEL IN CALIFORNIA

[Interview 1: July 25, 1979]##

Shearer: I'd like to hear about your years as Consumer Counsel during the administration of Pat Brown. Both terms, of course.

Nelson: The office wasn't created until the administration had been in for about a year. It became operative in October of '59. (Actually November of '58.) The office was created by the legislature that came in with Pat Brown after he was elected.

Childhood on the Family Farm

Shearer: First of all, can I just quickly cover a little bit of your background? Who were your parents?

Nelson: My parents were Delton and Edith Ewing. My father was a farmer in Boulder County, Colorado, as his father had been before him. And, we lived on a family farm on which we raised a multiplicity of things.

Shearer: When were you born?

Nelson: In 1913. I went to the University of Colorado, which was at Boulder, about eight miles from our farm. I lived at home and drove in with my brothers to school every day. And we took the milk in the car at the same time to deliver to the creamery. And the boys always needed to tie the milk cans on the outside of the

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 49.

Nelson: car. Then we had to stop at the creamery, where they took them off. Then at night when we came home from school, we stopped and got the empty, washed cans and brought them home.

Shearer: Did your brothers also go to college?

Nelson: Yes, they all went to college, yes. All five of us went through the University of Colorado.

Shearer: You had four brothers? What were their names?

Nelson: Harold D., Forrest W., John G., and Vernon R.

Education

Shearer: What did you study?

Nelson: I majored in economics.

Shearer: Not home economics?

Nelson: No, not home economics, economics. I also took a good amount of sociology and political science.

Shearer: Was that unusual?

Nelson: Yes.

Shearer: There were no other women in your class during that time?

Nelson: Yes, I think there was one or two.

Shearer: What prompted you to pursue that?

Nelson: Well, probably I was counseled by some professors, and some of the people in high school. The vice principal in high school, who taught civics, was very helpful to me in helping me decide what I wanted to do. And he interested me, of course, in many of the economic and political problems of the day. It was a time that was very exciting, because it was--I started college just about the time Roosevelt was elected.

Shearer: In 1931?

Nelson: I started in '31, yes. And he was trying new things to get the economy going. For example, there was a Colorado soft coal mining strike and our farm was very close to some coal mining towns.

Nelson: And they started the NRA,* and we had a National Bituminous Coal Board, or something like that. (There was a woman on it; her name was Josephine Roche.) They [the board] elevated the mine workers from such a poor wage and a condition of almost fiefdom to the mining company. The workers were living in mining company houses and bought from mining company stores. It was the beginning of the recognition of the United Mine Workers.

All those things came about when I was in college--the National Labor Relations Board, and so forth. So, it was an exciting time. My father was interested in those things, and I was very much interested. So, it was a fun time to be studying economics--I was studying Money and Banking, and while the government was creating new institutions to shore up the banking system during the Depression.

Living through the Depression

Shearer: Was your family threatened during the Depression by economic losses or were they pretty secure and established?

Nelson: No, no, we were very poor during the Depression. We were poor most of the time, but it was very bad during the Depression because there was also a drought at the same time as the Depression, so that the fields didn't produce. And we didn't have hay and we didn't have wheat to sell. So we had very little farm income, and not enough feed for the cows who were being milked.

You always in a farm try to develop some cash income from something. Our cash income came from the cows and the chickens, primarily. We would sell the eggs and sell the milk, for cash that bought the groceries and bought the gasoline for the car and whatever else we could stretch it to. But you need feed for the cows, and there wasn't hay or grain to feed the cows. And I remember the cows bawling because they were hungry. And that's very unhappy. My father used to pour a sort of molasses on straw and give it to them.

Shearer: You mean the drought exerted such an influence that there really wasn't the pasturage available at all.

Nelson: That's right, yes. There wasn't pasturage and there wasn't grain produced. We didn't produce oats and wheat. The field blew away with the wind. So we didn't have wheat and oats to feed the animals. But we tried very hard and succeeded in keeping them alive. They were very valuable to us.

*National Recovery Administration

- Shearer: But I imagine you didn't get much in the way of milk from them.
- Nelson: No. No, that's right.
- Shearer: If the chickens and the cows produced your cash income, what was your main income?
- Nelson: No, that wasn't the main income; the main income was wheat and, to a lesser extent, alfalfa. It requires water to produce alfalfa, and during those years we didn't have enough. But mainly we produced wheat and sold it in the fall, if we had a crop. And that paid the farm mortgage and, hopefully, bought us some new tires or a new car, or something like that. One year, to get cash for a new car, my father and brothers agreed that they would plant pinto beans. And pinto beans are a hard labor job, unlike wheat, you know. So the boys had to hoe the beans, and the summer was hot. But they were sold--the beans were sold--and we got enough money to get a Model A car. And that was a great day.
- Shearer: How many acres did you have in beans?
- Nelson: Oh, probably eighty.
- Shearer: Oh, that's a lot of hoeing!
- Nelson: [laughing] That's a lot of beans to hoe!
- Shearer: What was your notion of economics when you were studying it? Was it connected clearly to the kind of forces that were shaping what you had to do on the farm, or was it more a kind of aesthetic appreciation or intellectual appreciation?

Economic Abstractions with Underpinnings in Reality

- Nelson: No, I think it was--it was intellectual. For example, I found it difficult to comprehend money and banking and the abstractions of money supply, and so forth. But it had underpinnings right in the reality of life, probably because there was an Agricultural Adjustment Act and there was a way to pay the farmers if they tried to produce less. And that was the beginning of paying farmers not to produce, and all the criticism that that brought. But it was a great innovation. It was directly the application of trying to influence the supply to bring up the price. You know, diminish the supply so the prices go up. So it's a very definite, immediate example of the effect of supply and demand, which is definitely economics.

Shearer: Can I back up a little bit? You mentioned the high school civics teacher being able to present to you so forcefully the issues of the day. What were the issues that you were thinking of?

Nelson: Well, the issues at that time were whether or not labor unions should be allowed. And the law of the land was that it was a conspiracy and restraint of trade for laborers to organize. The mine workers we could see were very oppressed and had no self-determination, practically, at all. And if they joined the union, they would get fired. So it was a great day when the National Labor Relations Board was passed and it was made unlawful for an employer to fire an employee because he had joined the union.

Shearer: What were you doing the year the NLRB was passed?

Nelson: I was probably in college. But those were the fermenting issues of the times. You don't just pass anything as bold as that. Things like that, there's a whole change of philosophy in a nation. It takes a genesis period of ten years or so. So it was in the discussion stage and debate stage when I was a senior in high school. And it actually came while I was in college.

Shearer: I guess that example of the long lead time that's required for social change was not lost on you.

Nelson: [laughing] No--

Shearer: Fighter! And a long, uphill battle.

Nelson: Oh, yes. Yes. You know, it takes ten years just to get an idea from being a pretty well-developed idea and a necessary, maybe inevitable, change to having it actually accomplished and put into effect.

Evolution of the Office of Consumer Counsel

Shearer: How did the Office of Consumer Counsel come about? Whose idea was it?

Nelson: Well, it was an idea that had first been tentatively attempted in the forties in the New Deal, in Washington. This was in connection with rationing. Since rationing fell upon everybody in a consumer role, they wanted some consumer participation in order to cause more acceptance of the program. So there was a group of people, and many of them were women at the time, who were brought in as kind of volunteers, unpaid, to sit on the rationing board and things like that.

Shearer: Women were brought in?

Nelson: Yes. Yes, they were unpaid. And I heard Lena Ware, who was one of them, and Persia Campbell, who was another, talk about how they would come to the meetings--this was in Washington, by the way--of the Office of Price Administration and then everybody would go to the cafeteria for lunch. But there was a dining room for the men. And the women couldn't have lunch with the men. Then they'd go back after lunch and rejoin the group.

Shearer: What happened between the early forties and Governor Averell Harriman of New York?

Nelson: One of the women who were brought in in that role was Harriman's sister, his older sister. And she got a feel for the importance of the consumer. And she was a good consumer protagonist.

Shearer: What was her name, do you remember?

Nelson: No, I think it was Sarah, but I'll find out if you need. And the legend, which I believe, is that when Harriman became governor of New York, then she pressed upon him that he now had the privilege to create a consumer representative for the State of New York. And she was very insistent with him, and it was her pleading that caused Harriman to create an Office of Consumer Counsel, and to appoint Persia Campbell to it. He created that by executive order, in 1954. He was elected in '54 but he was unseated in the election of '58.

Shearer: What happened to the Office of Consumer Counsel then?

Nelson: Well, it went out in New York. But Pat Brown was aware of the idea in New York. In '57-'58 we had a recession in this country, a serious one. But that was probably the first recession we had where prices did not decline as unemployment increased. And so, there was a great deal of concern among union people and socially minded people that families were not able to exercise their own voices and fend for themselves in the marketplace with the wages that they had, and that there should be an office in government that represented the consumer interests just the same as it had become accepted to represent first commerce and agriculture and then labor. So that idea was prominent at the time, particularly among union people.

Pat Brown sent George Brunn to New York to study the office there. And George Brunn advised him about how it went and so forth. Pat Brown made the creation of a Consumer Counsel Office one of his ten commitments if he were elected. Those were days when politicians made specific commitments.

Shearer: This was in 1957?

Nelson: Yes. And this was one of the ten promises he made if he were elected. He was elected, and he fell immediately to creating the office. In the same election where he was elected, Harriman was unseated. So New York's office ceased to be. Incidentally, it was Nelson Rockefeller that came in at that time and fired the consumer counsel and abolished the office.

Shearer: When I talked to George Brunn the other day, he recalled being given the assignment to do a kind of a white paper on the Office of Consumer Counsel at some time during 1957 along with some other lawyers and political supporters. And he said the Office of Consumer Counsel was down toward the bottom of the list. What were some of the other commitments?

Nelson: I don't remember.

Shearer: Had you known about it or been aware of it? How were you chosen for the position?

Nelson: Yes. I was working in the State Department of Industrial Relations in the Division of Labor Statistics and Research, which is the counterpart of the Bureau of Labor Statistics in the federal government. I was there as a statistician and research economist then.

I had developed a program of providing information to parties in negotiation--labor and management--about prevailing practices in an area or an industry. We had collected all the labor-management negotiated contracts in the state of any size and had developed a system of classifying them and coding them and sorting them with IBM equipment so that we could very readily provide a great deal of accurate information to people so they could negotiate in the light of the facts instead of assertion.

In the course of this, I came to know a great many union leaders and also industry people. Another one of the things I did was to make a survey of the cost of living for a single working woman for the Industrial Welfare Commission.

Shearer: That had never been done before, I guess.

Nelson: I guess not. I don't think so.

Shearer: How did you happen to do that?

Nelson: Well, the Industrial Welfare Commission was another part, another division of the Department of Industrial Relations. The Division of Labor Statistics was trying to meet the research and statistical needs of all the other departments as a service. So it was probably the chief of my division who selected me for this assignment. But I worked with the commission; they set up the quantities--the minimum things that a single working woman would need--and then I hired some people and we priced that budget in six cities in California. And we made a composite cost for California. So I had the experience not only in wages, but on the expenditure side of things.

There was a conference at Asilomar in the early part of the governor's campaign. Consumers Union put up the money. This was the first conference about unemployment and consumer interests. People from the labor unions, and people who were interested in prices and consumer issues, some professors from Stanford, and some from Berkeley, all convened at Asilomar for the weekend. And I think (I'm not quite sure of this) Pat Brown spoke and at that point he reiterated his commitment to create this office.

He never wavered about it but he had great difficulty with the legislature. After Harriman lost that office, because it was only by executive order, Governor Brown felt it was essential that he provide a statutory base for the office and get the legislature to agree with him on it. The bill that ultimately came out was only a fragment of the bill that went in.

Shearer: In terms of powers?

Nelson: Yes, powers and budget totals. It was resisted very strongly by the California Retailers Association, by some of the newspapers--

Shearer: What newspapers opposed it?

Nelson: Oh, I don't know. It could very well have been their association, the California Newspaper Publishers. The Republican party was opposed to the idea. And it was very difficult to point out precisely why we had to have it. We never had had it, and the citizenry wasn't organized to lobby the legislature for it. So the bill that was eventually passed reduced the office to one that advised the governor and the legislature about legislation in the consumer interest, and informed the public about consumer welfare. And it called for an advisory committee to be appointed by the governor. It was only about three or four paragraphs--the whole thing.

Nelson: And then the budget was made for it. In the first year, which was not a full year, because the office became effective in October instead of the first of July (the state had the July-to-June fiscal year), they appropriated about \$25,000 for the office.

Shearer: How did that stack up with some of the others?

Nelson: At that time this was the only office of its kind in any state. It's just very difficult to compare it with anything. There was myself and a secretary, and that's all there was in the project.

Shearer: Another office I remember that was promised and set up, I think, in 1960 was the Office of Radiation Protection and Atomic Energy Development. How did your budget compare with that?

Nelson: Well, he had more money than I did, but we were both pretty much stepchildren. We were housed together, or adjoining.

Shearer: You and Colonel Alex Grendon.

Nelson: Yes. We became good friends and we helped each other in some ways, because I had no colleagues and he had no colleagues. If you were preparing something you had nobody to look it over. He would check my computations and I would check his press releases. And so we were good friends.

We were housed at first in what had been Alan Cranston's storeroom on the first floor. It was an inside room, no windows. Alan was controller then, and he gave up this little bit of space so we could be in the Capitol building, and the first floor was sort of the governor's floor. We were not in the governor's suite but we were across from it.

Shearer: How big was it? It was a storeroom; it must have been about ten by ten.

Nelson: No, it was bigger than that. We stayed there for the whole seven years. I had most of the room, as it turned out. I'm not very good at--but it would be at least a thousand square feet. But it was all crannies and nooks.

Shearer: It was compartmented?

Nelson: Yes.

Shearer: And you and the Office of Radiation Protection shared this space?

Nelson: There was a corridor between us, a very narrow corridor. And his door went that way and mine went this way.

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Advisory Committee Membership and Functions

Shearer: The charge to your office was to advise the governor and the legislature concerning legislation on consumer affairs and to inform the public regarding welfare of the consumer? And it also set up an advisory committee which would advise you?

Nelson: Yes. Advise the Office of Consumer Counsel. And that advisory committee was appointed by Governor Brown.

The first advisory committee was constituted pretty much around consumer education. So there were superintendents of schools and a chancellor from the Vocational College at San Luis Obispo, and people from the PTA, and the American Association of University Women, that kind of representation on the advisory committee.

Shearer: These would be considered sort of opinion makers in the educational field who could then disseminate the information?

Nelson: Right. And George Brunn was the chairman, he was the chairman the first four or five years. The advisory committee as first constituted directed its attention to consumer education in the public schools. After a long time, they pretty much concluded that there was practically none, and there wasn't much they could do about it.

Shearer: Why was this?

Nelson: Well, the curriculum in California schools is mandated and flows out from I guess, the superintendent of public instruction. There was no community pressure for this kind of education. There was community pressure for driver training education and things like that, but there was no community pressure for consumer education. It was too new, and people didn't realize that they were deficient because they didn't have it. And so, without the community support, it was impossible for people who were well meaning and well placed in the education system, as were the advisors, to do anything about it. So, that was one of our first disappointments, and we tried that one very hard.

Shearer: How long did it take before you realized that it just wasn't going to work?

Nelson: That took two or three years.

Shearer: Meantime, you had other projects cooking along?

Nelson: Right, yes. Oh, yes. And over time the composition of the advisory committee changed to reflect this--we had a retailer from Long Beach, and we always had representation from the AAUW on the advisory committee, usually from San Diego.

Shearer: I have a list of the members of the advisory committee but not identified by their affiliation. I thought maybe that might refresh your recollection. I have Don Vial down there as chairman at some point, as well.

Nelson: I think he came at the end, after George got appointed a judge. [looking at list] Yes, I can identify all these people.

Cecil Candler was from the Better Business Bureau in San Diego. Virna Canson was with the NAACP in Sacramento and she's now the western regional director of the NAACP. Leo Dardarian was a management consultant at Foster's. (They operated bakeries and restaurants.) Lucille Desmond was interested in education--lovely person from Madera. Susan Adams Donovan came out of the labor movement in Los Angeles and was at that time the labor movement's representative on the community relations of the United Crusade. Eva Goodwin was a member of the Berkeley Co-op [Cooperative Shopping Centers]. Virginia Lyon was AAUW, San Diego. Roy D. Murray was an elected officer of IBEW, the electrical workers' union.

Shearer: That's the International Brotherhood of Electrical Workers?

Nelson: Yes. David Selcer was a womens' apparel retailer in Long Beach. Clara Shirpser is a property owner in Berkeley and had been until shortly before this office was created the Democratic state committeewoman. Norvel Smith was a black educator from Oakland. Robert Spears was in a labor union in San Diego--I think the machinists'. Winfield Shoemaker was a schoolteacher in Lompoc, who later ran for office and was elected to the legislature.

Role of the Consumers Cooperative of Berkeley

Shearer: Did you have any luck with the Consumers Cooperative of Berkeley in publicizing your programs?

Nelson: Yes, yes. The Co-op was probably our most steadfast and valuable supporter as a single thing. There were some circumstances in which the State Federation of Labor played very decidedly a role of savior or rescuer. We worked very closely with the Co-op, and many of their staff people came and testified at the hearings. They carried our news releases in stories in their News. And they

- Nelson: had a good deal of the technical expertise and professional expertise in nutrition and food marketing, and meat cutting, which was very valuable. They could speak from knowledge of the marketplace, but from the consumer point of view, because they were a market made up of consumers. They were tremendously valuable as witnesses and as supporters.
- Shearer: I know that in recent years the Co-op has been a very vigorous participant in the political process on behalf of its consumer members. And of course, the Co-op News is an important vehicle for reaching the consumer. Was that always the case?
- Nelson: In my experience, yes. It may have developed more, during periods the Office [of Consumer Counsel] was there.
- Shearer: Did you think of the Co-op as a consumer lobby, essentially?
- Nelson: Yes. And I worked very closely with them. I spoke at their annual meetings and their semi-annual meetings. I did a weekly report on KPFA for several years, so that they could have access to what was being done.

Selection of the Consumer Counsel

- Shearer: Back to your selection as Consumer Counsel, how did that come about?
- Nelson: I've mentioned that in my job at the Department of Industrial Relations, I had become acquainted with labor union leaders and management leaders. Shortly after Pat Brown was elected governor or about the same time, my husband received a promotion at the Department of Rehabilitation from the San Francisco office to headquarters in Sacramento where he was developing a program he was very much interested in: sheltered workshops for the severely handicapped and also procuring necessary medical care for clients of the department. So naturally he wanted to move there and he did. So I began to look for a job in Sacramento. I had a good job here, and there weren't many in Sacramento that I would trade for.

After the governor was elected, he was entertaining a group of Young Democrats at the Mansion one day. And he was talking about his program and how he was going to create this office. He referred to the appointee in the masculine, and he said that whomever he appointed, "he would be an economist or a lawyer." So somebody said, "Why do you refer to him as an 'he'?" So Pat hastily corrected himself. This was probably the lead on the story.

Nelson: And so that was my cue. If he was now alerted that a woman should be considered and he was going to appoint an economist or a lawyer, why I would try as an economist.

So I just set about to try to get the appointment. I didn't know him; I had never met him until the day he interviewed me for the job.

Shearer: I think I read somewhere that Clara Shirpser had some very nice things to say about you at that point. Very early on she had recommended that you be considered. And I think Elizabeth Snyder also had recommended you.

Nelson: Yes, that's right. And then I solicited support from a lot of the labor union leaders, and from management, and from the American Association of University Women as a general member.

Shearer: You were successful, then, in gaining support of the labor leaders. This was their kind of an issue?

Nelson: Yes, their kind of an issue. And they felt comfortable with me. So they were pretty active in recommending me for the appointment.

Shearer: Which unions in particular?

Nelson: Well, I think this was true of the State Federation of Labor, probably. The IBEW local in the East Bay, and the culinary workers in southern California.

Shearer: Was there anyone who opposed you?

Nelson: Yes!

Shearer: You in particular, or you as someone who would fill that dangerous post?

Nelson: Well, I guess I don't know that. But there were many other candidates.

Shearer: Who were the others?

Nelson: I think for quite a long time Liz Snyder was a candidate. And Ruth Gupta.

Shearer: Elizabeth Snyder was very active in southern California Democratic politics, and was, I believe, southern California chairman of the Democratic State Central Committee. Ruth Gupta I can't place.

Nelson: Ruth Gupta is a lawyer out of San Francisco. She and I were together at Mills when I went there. She married a man from India and took his name of Gupta. She had been active in the governor's campaign; I had not. And she had done some lobbying in Sacramento and was much better known in Sacramento than I was.

Shearer: Do you think that worked for her or against her?

Nelson: I don't know. I think it worked for her for quite a long time. And there were people very close to the governor who felt that I was not enough one of them. I hadn't been in the campaign, and they didn't know how loyal I would be in a crush, and that I hadn't "earned a job." [laughter] I earned it after I got it.
##

Shearer: How did Elizabeth Snyder change from being a competitor to your booster?

Nelson: Liz was a real team player. She wanted the best for the governor. She was neither a lawyer nor an economist and when women candidates from each of these professions became available, I expect she graciously yielded.

Shearer: Were there any individuals or organizations who opposed your appointment, that is, who were opposition as distinguished from competition?

Nelson: Undoubtedly, but those things don't become matters of record. There was no letter of opposition in my file when I ultimately saw it.
##*

But some people were very instrumental in my getting the job. One of them was Clark Kerr, who talked to the governor. And Jack Henning. He's the secretary of the State Federation of Labor now-- State AF of L-CIO.

Shearer: Is he the man who in '54 and again in '56 supported Yorty's candidacy for the Senate?*

Nelson: It doesn't seem probably, but anything can happen in California politics. Jack Henning was research director for the AF of L-CIO during a lot of the time that I was in the Department of Industrial Relations. I was doing research, he was doing research, and we had worked together. He had moved on to being the top man in the organization by this time. He was backing my candidacy because this was an important thing to labor.

In some cases, there are people who would like to use the consumer interest to destroy or diminish labor. The organized labor people were very anxious to have this office held by someone who understood the mission of labor unions and the reason that they exist, what their fundamental principles are.

*The two preceding questions were posed to Mrs. Nelson following the taped interview and added to the transcript.

** John Despol was the Yorty supporter.

Shearer: How could the office be used to destroy unions?

Nelson: Well, there had been a book written about that time by a person named Pei. It was something like The Powerful Consumer. It was proposed in his little book that instead of having labor-management relations--collective bargaining, there should be a three-party thing, and you should have somebody in there representing consumers, concerned about prices. Then, instead of the two people making the contract (the consumer wouldn't be a party to the contract; it's not a very viable idea), there would be an intellectual wedge to diminish or destroy labor union strength, as the labor unions saw it.

Shearer: In the context of the bargaining arena?

Nelson: Yes. And there was a large question as to whether this office might be used to intrude into labor-management and collective bargaining. Well, people are afraid of the unknown, you know. And so apparently Jack Henning felt that I understood what the score was there and that I didn't have an interest in attempting that.

I'd known Clark Kerr when he was head of the Institute of Industrial Relations at Cal. So he knew the quality of my work and my professional reputation. Both of them talked to the governor.

The governor had hired Persia Campbell to come out as a consultant to him in choosing the candidate. So Persia interviewed all of us about all kinds of things. And she asked my husband if I could make a pie.

Shearer: She interviewed your husband! Did she interview the wives of the other candidates?

Nelson: [laughing] I don't know.

Shearer: How did that strike you?

Nelson: It irritated me.

Shearer: What did your husband say?

Nelson: Well, he told her, yes, I could, because I can. [laughter] Well, she was serious at the same time she was being kind of whimsical. It was at dinner one night (we took her out to dinner).

She was in Sacramento for ten days or so, spending time with first one, and then another of us.

Shearer: What do you feel in her assessment turned to your favor?

Nelson: Well, she was an economist, and I think she liked the fact that I was an economist and that I had a clear concept of the consumer in a market economy--the economic concept of it. And I had a fair idea of how this office should invest its time and efforts and how it shouldn't. By that time I had done a lot of thinking about it and had a long list of things that I was ready to say we couldn't tackle immediately under the narrow mandate that we had. So I think it was those things that she liked.

And then she did say to me, not when she was interviewing me but quite some time later, she said, "You give the consumer movement class." Which pleased me. She liked the fact that I tried to dress well and look all right.

Shearer: But also your professional credentials were impeccable.

Nelson: Yes, that's right. Well, she had class. She was a great woman.

Shearer: When you actually took office, did you know what your budget would be?

Nelson: No. I knew that they'd had a great deal of difficulty getting the office. By the time the governor interviewed me, I think he was uncertain of what he was going to do. I mean, who he was going to appoint. I didn't get any suggestion from him when I went in that this was just pro forma or something of the sort.

He started the conversation by saying, "You sure have got a lot of friends."

So I said, "Governor, if you appoint me to this job I'll need 'em!" [laughter]

And he laughed. And I think that made him feel better because I knew it was going to be rough. Then he asked the question, "You're going to take a position, you're going to have a point of view, and I may have the same one, I may have something else, or I may not take a position. But what are you going to do when I take a position which differs from the one you've been advocating, as I may have to do?"

So I said that I would advocate what I believed as long as I could, and when he told me that the policy was different from that and what it was, and it was his policy, then it was my job to either support that policy or get out.

He felt, I think, that I would do the necessary thing gracefully when it had to be done.

When Principle and Policy Clash

Shearer: Did that occasion ever arise?

Nelson: Oh, yes.

Shearer: What were some of the times when he took a position different from that you had advocated?

Nelson: [pause] He had to act on lots of things. I'm not sure I can be specific.

Well, there was one thing, for example. One of these restrictive little bills that the optometrists put through to restrict the market for who can advertise or something like that. And it was obviously a kind of restraint-of-trade idea. And he vetoed it. So in the next term in the legislature, they came back in with the same bill and they passed it, eighty to two or something like that.

There was a routine through which that kind of bill would come to me for my comment before it went to him. Well, naturally, I said this was adverse to the consumer interest. But, you know, he was very straight about it. He called me up and said, "You understand, don't you, that I vetoed it once and now it's eighty to two, I can't veto against that." And I said, "Yes, sure, I understand."

So it was that kind of thing. There was no point in his playing games when he had that kind of numbers against him.

Shearer: Was there any one time in which you really agonized over taking a position and considered maybe having to resign?

Nelson: Oh, yes. They were probably most often in the field of credit legislation, in which we did a good deal of pathfinding. There are very powerful forces in that industry, in the insurance industry. When you get credit and insurance, you get the two of them combined--

Shearer: Such as savings and loans, and banks, and title--

Nelson: Yes, that's right, savings and loans and banks and title insurance. We were no match for most of those interests. Bills would get through and appointments would be made that you knew were not in consumer interest.

Struggling To Protect the Consumer Interest

- Shearer: When you say "we were no match," do you mean, "We, the Office of Consumer Counsel, were no match for the big lobbyists"?
- Nelson: Right. We were no match for the insurance industry. The insurance industry could lobby much more effectively than we could. They could, if necessary, get a whole lot of press. And they had legislators committed to them. Of course, they came out of the insurance industry, for example, or the real estate industry, or whatever. And our little office, with no clout, and nothing but a mouth, couldn't overcome some of their arguments and some of their machinations. That isn't fair to call them that, but they wanted things and they got them.
- Shearer: All your charge really allowed you to do was to have the governor's ear.
- Nelson: To have the governor's ear, that's right. And the legislature's, but not in any formal way. I'd have to speak to legislators individually, one after another.
- Shearer: You couldn't send out a report from the Office of Consumer Counsel?
- Nelson: I didn't to the legislature. I did frequently make statements at the committee hearings in a formal way with a prepared text and leave that with all the members of the committee. But there was no way that we could really address the whole of the legislature. [tape fade out, recapitulation]

A few times, we or somebody we were working with, some citizens' group, would stand at the entrance to the senate and hand out fact sheets.

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- Nelson: At the same time we had many unhappy occurrences with testimony before committees. For example, there was a committee in the legislature which heard most of the health bills, the public health bills. And we were carrying bills to improve child safety in the home--[controlling things] like toxic substances and cleaning agents. And those would all come before this committee, which, typically, always had lunch before the hearings began at one-thirty with the drug manufacturers. So we would try to bring some young mothers in from the Sacramento area to be at the hearings and testify, if necessary, and to indicate that there was some concern about this problem. And when that happened sometimes the chairman of the committee, when the bill came up in its regular order on the calendar, would skip over it and put it down at the bottom of the calendar.

Shearer: If he saw the women in the audience?

Nelson: Yes. Then it would come up on the calendar toward five or five-thirty. These women all had young children; they had to get home. They'd arrived at one-thirty, and so by the time he called the bill, eventually, the women supporters would have dissipated. Which of course he knew would happen, as well as I did.

Shearer: This was called the Committee on Health?

Nelson: It was called the Committee on Public Health, yes.

Shearer: Who was the chairman?

Nelson: Oh, [pause] I've happily forgotten.

Shearer: Was it someone who generally opposed the bills or your proposed amendments to the bills?

Nelson: Well, they were a committee that was acquiescent to forces in the industry. And there were no countervailing forces on the scene. So it was easy for them to believe that they were doing what was right. The chairman of this committee was a pharmacist from the East Bay. Byron Rumford. That was in the assembly. About the same thing happened in the senate.

Shearer: Did this situation change at all?

Nelson: No. I think it's changed now. I don't think it's as bad now as it was then. Because there's been more light put on this committee. The press is getting more educated. The press understands better what's being played out and can report it. And television cameras have come into legislative committee hearings. That, and a more educated citizenry that's not as frightened as it used to be.

Developing Clout in the Political Arena

Shearer: How did you organize the women to appear as witnesses? Was this part of the function of the advisory committee?

Nelson: No, our office did it mostly. It's very difficult, you know; it takes a lot of time. But we were committed--not the first year when I had nothing but a secretary--but the next year, when I got about three people added. And of those three, I recruited a public information officer--Jane Dachtelberg. She was absolutely marvelous. She did a great deal of this. She researched topics, she would write the press releases after I had written testimony.

Nelson: She was an enthusiastic person and she brought a good many people to want to support and to want to do. There are always people that want to help get the right thing done, to help it happen, but don't know how all by themselves. So we were the access, we made the channel, and they could come in.

So a lot of young, and older women, too, got a good deal of self-fulfillment out of that period of time, because they were doing something they believed in. And they could do it in addition being good mothers. They were educated women who were raising small children, by and large, who were the core of this group of people that came around us.

We developed them by all kinds of communications. I made oh, thirty, forty speeches a year, besides all the television and radio and newspapers.

Shearer: That's a speech a week, or more if you also have all those newspaper and radio speeches.

Nelson: Yes, that's right. I used to try not to make a speech in December. I just felt like I had to have a little time out. I never quite succeeded. I usually felt impelled to go someplace and make the Christmas speech, you know, where the men brought their wives.

Shearer: If you got your staff increased by two-thirds you must have gotten a higher appropriation in the next year.

Nelson: That's right, yes. Let's see, it was \$65,000 the second year, as I recall, and then it went up to about \$100,000. And at its top, it was about \$125,000.

Shearer: What do you think it would take to develop the kind of clout that you would need for that office?

Nelson: Well, you'd have to have groups of consumers who are organized on a standing basis. You'd have to have consumers organized like agriculture is organized: into the Farm Bureau and the Farmers' Union.

Really, the only way it can happen, you have to have a continuing organization with some executive full-time staff that's always where you can reach them. And they know what the policies in truth are. And it's to their own interest and they know it's to their own interest to advance those policies. Naturally.

Shearer: And an augmented budget?

Nelson: Oh, sure, an augmented budget helps. You can provide technical services to these groups if you've got a budget.

Shearer: And more speaking engagements.

Nelson: Right. And help them develop their priorities and understand the issues. Yes, you'd have to have a budget.

Shearer: You had free access to the governor. Was that helpful?

Nelson: Well, technically I did. I didn't see him very often. He insisted from the outset that I have the maximum independence from his office. He went counter to some of his top staff to do this, that I should have sole responsibility for hiring of my staff, that I made my own budget and defend my own budget. He tried to refer to it as the Office of Consumer Counsel. And every way he could, he gave us a position of our own. He was very firm about that from the outset. He always was.

Shearer: Did you propose the increases in your budget?

Nelson: Yes. Yes. And our proposal, like everybody else's proposal, had to go to the governor's office before it went to the legislature. In that way, we were no different from anybody.

So we always got hacked first by the governor's office. Then we got hacked further, much further, by the legislature.

Shearer: I was speaking to Mrs. Brown a few weeks ago. And she was recalling with great pleasure the times she worked with you. How did that happen? Did that enhance your efforts?

Nelson: It was more likely the other way around. She was very gracious, and there were lots of women's events always. So we were occasionally--I wouldn't say frequently but occasionally--together in a planned way at an event.

Shearer: Did she actually have a speaking role, give an address of advocacy?

Nelson: No, no, no. Most likely we would be at a chapter of the AAUW or something like that where she would speak and I would, too.

She was outspoken on revolving credit charge accounts and she would embarrass the Retailers Association because Mrs. Brown would send me down a thing that she got from a department store that had added 1 1/2 percent interest to her bill while she'd been somewhere with the governor. And she made a wonderful quote that "When you get home from a short trip, grab a pen and pay the bill before you take off your hat!" [laughter]

She has quite a lovely sense of humor, and she can maintain a light tone while she's being serious. So she would tell about the showers, for example, all the varieties that she would encounter

Nelson: in the hotel room while she was with her husband. And how this one would go this way, you know, she would do a very good Erma Bombeck about it. She'd say, "I'm going to write a letter to Helen Nelson about this!"

She was a good promoter.

Shearer: These were largely ceremonial occasions?

Nelson: Yes. She didn't ever come before a hearing or anything like that.

Shearer: If you had to select the most significant asset for your type of position, would it be an organized citizenry, so you could sort of "call out the troops" in the case of a bill being heard before a committee?

Nelson: Yes, I suppose it would. I suppose it would, yes. It's enormously difficult to carry out anything continuing year after year after year, which is what this is. It's not an ad hoc thing like you once and for all time settle the issue, and then the coalition dissolves. This is not a coalition kind of deal. You have coalitions, but fundamentally, you need a basic group of people who are committed to work to improve their role as consumers. They go from one project to another. They have to be continuing because they have to hang in there most of the time. It just doesn't happen right off. So there has to be a continuing group that knows that they've got to keep trying again and again and again. If they get a bill passed, then they have to see how it's implemented, who gets put on the board, and what are the rules and regulations.

We haven't yet come to that point in the consumer world.

Shearer: So that would be even more important than access to the governor?

Nelson: Oh, yes. Yes. That's the most important thing of all in politics.

Getting Access to the Governor

Shearer: You didn't have to go through another layer of administration to reach the governor? You didn't have to speak to Fred Dutton?

Nelson: Oh, yes. I had to plead to get on the governor's calendar. It was very difficult and I frequently didn't make it. Once in a while, I would talk to one of his woman secretaries and say I just have to see him, and there's no room on the calendar. She would pass this on to the governor and he would invite me to breakfast at the Mansion, and we could talk there before he went to the office.

Nelson: But as the administration wore on, I saw the governor less and less. There was more effort on the part of his top staff to keep me from meeting frequently with the governor.

Shearer: Why was that?

Nelson: Well, I don't know. I was probably costing him votes.

Shearer: Because of positions you urged? They found that he tended to listen to you and act as you persuaded him to? Who were the people who made it difficult for you to see him?

Nelson: Oh, Fred Dutton and Hale Champion.

Shearer: I thought that Fred Dutton was instrumental in writing the original legislation for the Office of Consumer Counsel.

Nelson: Well, he may have been. But he was not a supporter of mine when I was a candidate. He told me that I could choose my secretary and he would choose the rest of the people, and he would make my budget. My authority was limited to choosing my secretary. And then I very readily got different word from the governor.

Shearer: Did that seem untoward to you?

Nelson: Fred's--yes! It was impossible.

Shearer: So you challenged Dutton.

Nelson: Right. I think Fred just didn't understand the whole thing. The governor knew that I had to be out there taking positions that he couldn't take. He would necessarily take as few positions as possible, and I had to take a lot of them. It's very valuable to have somebody like the consumer counsel to take a position which is considered at that point in time to be way out. But even so, it pulls the other [conservative] group a little bit further toward this direction and it prevents anybody from pushing them, pulling them back even further into reaction. So, a lot of the time, you just have to do what the old saying says, plant a standard so that other people can rally. You're not going to succeed with it this year, but you plant a standard and say this is the way it ought to be.

Shearer: Sounds as though there was a method to the governor's political "madness" of making your office independent.

Nelson: I'm sure there was. And he had a very good understanding of what this office was, and a very keen appreciation of it. And sometimes I got the feeling that he rather enjoyed thinking of me as an alter ego. He wished he could do some of the things I did.

Nelson: The person in the governor's office has to make so many compromises and walk between all the different forces. It was really a great deal of freedom to just take the position that I thought was right, or to take a position that was exactly right for only one segment of the citizenry, and that's the consumers. And he had to think about everybody.

I think that he enjoyed dealing with controversy. He had a very good attitude. I would frequently offend somebody in industry mightily. So they would call the governor and complain. So he told me, "When that happens," he said, "I tell them that if you weren't making some people mad, you wouldn't be trying hard enough." [laughter]

Shearer: It sounds as though you came out of your years of association with Pat Brown a strong admirer of his. Is that true?

Nelson: Yes, I admire him. I do. I think he did an awful lot. Very few people have done what he did in this hard way.

Shearer: How long was Fred Dutton in the governor's inner circle?

Nelson: I don't know. Probably about two years, because then he went into the Kennedy campaign for president.

Shearer: After he left, did his successor continue to intercede between Brown and you?

Nelson: Yes. Hale Champion took over.

Shearer: So they were still trying to stave you off?

Nelson: Yes.

Shearer: Was Hale Champion the most powerful voice in that group?

Nelson: Yes. He became executive secretary. He was very powerful, and the governor had to rely on him. The governor just can't be everywhere. Hale was a very hard worker, and Hale kept on top of more details than most anybody could.

Shearer: How did he see the job of consumer counsel, do you think?

Nelson: The best reading I could get of it is that he felt it was costing the governor too many votes, and that after they had gotten the good out of creating the office, it ought to be kind of quiet.

Shearer: Wasn't Hale Champion his campaign manager at one time, or very active in the campaign?

The Consumer Counsel as Vote Getter

- Nelson: Yes, he managed the campaign. But we were a tremendous asset as vote getters, too. And they used us tremendously in the election.
- Shearer: How did that happen? Just by reference?
- Nelson: No, I went out and spoke all the time, and went to meetings, and issued publications about what Governor Brown's Consumer Counsel Office has done for you, and things like that.
- Shearer: Was it different in tone and content from the kind of speaking that you were doing ordinarily?
- Nelson: It was different, somewhat different in tone. You drop the governor's name more often. In an election year, I became Governor Brown's consumer counsel and the rest of the time I was the state consumer counsel.

But that was something I was very willing to do. He had stuck out his neck a great deal for that office and it was a part of him. It was a part of his program. And if my presence out in the community could help to make that point I was happy to do it.

But practically always I was talking consumer issues to groups of people who were interested in consumer issues. I went to some [Democratic] party things. I would go to party things in my home county and I would go to state party things.

Consumer Allies and Opposition

- Shearer: Did you have the support of labor throughout your two terms?
- Nelson: Yes. Labor helped us a great deal of the time. They helped us particularly in credit legislation, to improve some of the rights of the consumer when they were violated. They really helped us get the crucial last votes on bills. When they had (as they call it) "called in their chips"—this man owes me one, and I'll ask him for it now--the kind of thing that we didn't have any claim to at all.
- Shearer: Were there any legislators who were your allies?

Nelson: Yes, we had some good allies in the legislature. Senator [Albert] Rodda, certainly. Shoemaker, who had been on our advisory committee.

Shearer: That's Winfield Shoemaker?

Nelson: Yes. Tony Beilenson was always pretty friendly, and after him, his successor, Alan Sieroty.

Shearer: These people actually introduced legislation that you had suggested?

Nelson: Yes. Yes. There was a wonderful man from down at Merced. He was in the senate, James A. Cobey. He came from the East, from Princeton or Dartmouth. He was an attorney. He was on the finance committee.

Mostly typically, we had our greatest problems in the senate.

Shearer: Why do you think that was?

Nelson: They were more long term in the senate. They were more entrepreneur-oriented, and their attitudes were, by and large, more conservative. An assemblymen can come from Van Nuys or East Oakland, where he has some sense of what the people are striving for.

There was a senator from Vallejo--I think his name was Luther [Gibson]--he owned the Vallejo newspaper. In carrying out the legal mandate to educate the consumers, I had put out a little pamphlet that said, "Credit Costs Money: Know How Much It Costs You."

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Nelson: After I put that out, I got a letter of a page and a half from the senator from Vallejo saying that I should never have issued that pamphlet, that it was destructive of the economy, and people would diminish their use of credit, and that it didn't matter how much credit cost, and that I had done a terrible, terrible thing to tell people that they ought to know how much credit cost them. And he was chairman, I think, of the Senate Finance Committee. And he had a very close working relationship with the California Retailers Association. But that was the climate at that time. We've gone on from there to have [a] truth in lending [bill] and everybody can now know [the cost of credit]. But that's the way it started.

Shearer: Was truth in lending one of your efforts?

Nelson: That was ours, yes.

Shearer: It was? It was passed in your tenure?

Nelson: Well, at the federal level, yes. We tried it for many years while I was here in California. We tried to get a truth-in-lending bill in California. Governor Brown was very supportive of this, so supportive that we had a pretty full-blown hearing down in Los Angeles. And some witness from outside the state said, "Yes, you can, too, figure out the annual rates."

The argument [of the lending institutions] was: "It's impossible! We can't figure out how much the percentage is!"

Well, anyway, I wrote a statement for the governor which was one of the best things I ever wrote. He was very pleased. I read his statement and then I made one of my own which was more of a history.

But we felt that that was the beginning of the destruction of the office. As the public information officer, Jane Dachtelberg, said, "We came too close. We got too close to them."

Shearer: What year was this?

Nelson: It was probably 1963.

Shearer: Was that borne out, do you think? Her assessment that you'd gotten too close?

Nelson: Oh, yes. Yes.

Shearer: How was that manifested?

Nelson: Well, some of our friends in the legislature turned on us. I had somewhere in these years acquired an attorney for the office, which was terribly important. And that gave me a whole lot more capacity. For one thing, he could go around the halls, you know. He could go to the men's room.

Shearer: That's right!

Nelson: Oh, that's a terrible handicap! [laughter]

Shearer: When hearings go back to back, that's the only place you can reach someone.

Nelson: Yes, that's right. And they can always evade you; they can go in there and wait, and you can't stand by the door very long.

But most of the legislators are attorneys, and another attorney can deal with them as a peer. And they can testify that this is not unconstitutional, whereas I as an economist could not. So you need both skills. But they cut his salary out and they cut his position out of the budget.

Shearer: After the pamphlet was published, or after truth in lending was proposed?

Nelson: After the truth-in-lending effort was well along.

Shearer: And that would have been in 1963.

Nelson: Yes, about then.

I felt, and still do feel, that Jesse Unruh passed the word to legislators that the Office of Consumer Counsel was fair game for shooting at. As speaker of the assembly he had great power and money he collected from large contributors he parceled out to selected members of the assembly at election time.

Shearer: So your budget went down from \$120,000 to--?

Nelson: Yes, it went down by his salary, which was probably about \$14,000 or \$15,000 then.

Reaching Consumers in Watts

Nelson: Our budget went up after the Watts riots.

Shearer: That's interesting! Why?

Nelson: That was done by the governor more than by the legislature, I think. Somehow the governor had--I don't know how. But anyway, we got five or six positions, and some printing money and so forth to work on that.

There were created multiservice centers and we were to have consumer representatives in these multiservice centers. So we got additional staff which was funded out of whatever money that had been appropriated for that riot program.

Shearer: Was that your idea, or was that an idea of the governor's?

Nelson: That was an idea of the governor's. We certainly demonstrated that we had entree in that community. After the riots, Virna Canson and I were about the first people from a state agency who went into Watts.

Shearer: Really?

Nelson: Yes. We knew the people there, they knew us, they didn't hold any grudges against us.

Nelson: We had unusual acceptance by the community because we had worked there. And so this was a big asset to the administration.

Shearer: How had you worked there? What was your community outreach organization?

Nelson: Mostly the churches. We'd have Saturday workshops in a church.

Shearer: On what?

Nelson: How to buy meat, what rights have you got with your car if they repossess it or can they repossess it, what rights have you got at the grocery store. Their role as consumers was crucial because they had so little money. And sometimes they don't have any other role. They're on welfare or something, they don't have a job, they don't relate to the world as a wage earner. So there's a lot of interest in it and if you can give them helpful information in a peer-like relationship, with respect for them, they're very eager to have it.

And there was Hawkins. Assemblyman Augustus Hawkins. He's now in Congress. But he was up in Sacramento part of that time. (There's another man, I can't remember.) We would go to Hawkins' church and have the workshop. This would be before the riots.

Shearer: Was he receptive to the idea at the time?

Nelson: Oh, yes. Very. Very supportive. Except that he was sort of a marked man in the legislature because he had to carry all the equal rights legislation. And they can't spread themselves too thin. So you try to find an author to whom this is a primary interest, not just an interesting thing, because they'll give it more time.

What It Takes To Influence Legislation

Nelson: We learned that one of the most important things about trying to influence legislation is to have a good author.

Shearer: Good in the sense of someone who is respected?

Nelson: Yes, that helps, somebody that the other people respect. Somebody who has a real commitment to the issue and isn't just doing you a favor but who sees it as an advancement of his career or as a commitment that he's anxious to make in public to seeing this bill enacted. Once the discussion starts in the legislature, you're

Nelson: helpless. [If you're not a legislator], you don't belong; you can't talk. So your case is carried by the protagonist that you've asked to do the job. And so it's terribly important to have a good protagonist.

Shearer: Some protagonists you mentioned--Rodda, Shoemaker, Beilenson and Sieroty--were there others, too? Did these people fit the requirements equally?

Nelson: Well, Rodda was chairman of the committee on education. And that was an enormous responsibility. Governor Brown was restructuring the university system. So Rodda was always helpful. When we would bring groups to Sacramento, Rodda would always give up his noon hour and come and talk about how a bill gets enacted. But he couldn't give a lot of time to a specific bill.

Charlie Warren, who is now in Washington, was great. He was great. He carried our credit legislation, and really was a wonderful protagonist.

John Knox carried some of it initially, and then he cooled.

Shearer: What do you think happened?

Nelson: Well, a lot of things. The ones that we succeeded on first were the easiest ones. Things that should have been done in 1900.

Shearer: Such as?

Nelson: Such as adding cosmetics to the Food and Drug Act. Well, none of them was very easy--

Shearer: To effect what?

Nelson: In the federal law, government regulates food, drugs, and cosmetics. When they tried to enact this identical law in California, they were able to get the food part of it and the drug part of it, but they had to give up the cosmetics. Primarily, I understand, because of the Max Factor interest in southern California. That thing was passed in 1906 (the federal law) and updated in 1938 or something like that. And here we were in 1962 and California hadn't got what Arizona had in 1906. That's not a good example of an easy one, because that was very hard. That took us about four years.

Shearer: What would it have required of Max Factor and other cosmetic manufacturers?

Nelson: You have to understand that California is like an island economically. We don't depend very much on interstate commerce, and the federal government regulates interstate commerce. There are twenty million people in California. More people here than in all of Canada. As long as you manufacture in California and sell in California, the federal [Food and Drug Act] can't touch you. And it's a vast market to exploit.

So the Food and Drug Administration people could never restrict or investigate any cosmetic that was produced in California and sold in California. And with that big a market, you get a lot of crazy ideas. You know, "We'll put a little mercury in this and tell them it'll take away their brown spots." And they had the face-peeling stuff to give yourself a facelift and it takes off all your face.

Shearer: And that's what actually happened? People lost patches of skin?

Nelson: Yes. We had pictures of them and we knew their names, but we couldn't get any of them to come to a hearing.

Combating Consumer Fraud

Nelson: We got that [cosmetics included] finally through a real coalition effort, in which the PTA joined us because they were protecting young people and because of their interest in health. And they're powerful. So the second time we went up the hill with it, we got it through.

Shearer: Who carried it the first time? Was that John Knox?

Nelson: I don't think so.

Shearer: You said it was about--

Nelson: I think it was probably 1963. Sixty-two, sixty-three.

Shearer: And the second time it carried?

Nelson: Yes. Which means about four years of effort. You made two years of preparation time before going through the legislature and then you have to let one session go by before you can take it again.

Shearer: I have a list of some issues, and I'd like to ask you if these are the ones you think are the important ones you dealt with. Could you give an idea of which are the important ones, how they fared?

Nelson: [looking at list] Yes, well, these are important. There's one other I would add to it. The TV repair is very important because it demonstrates approach and outcome and a lot of things. And it involves the way laws are enforced in California. Law enforcement occurs at the local level. You have to get the district attorney to prosecute. The only other possibility is to [have the consumer] bring civil action. You know, I [the consumer] can sue the TV repairman, but that's going to cost me more than the repairs, so I don't do it.

We worked a great deal with local jurisdictions in enforcement. We tried to heighten their consciousness about consumer laws and what they could do to make a reputation for themselves if they enforced them some. In this case, for example, we did investigations along with the LA police department on a couple of TV repair people we were pretty certain were fraudulent. And a man in my office did this and we had the evidence that they were defrauding the public.

Shearer: You gained a picture of widespread fraud because of the volume of mail that your office received?

Nelson: Yes, yes, that's one way you do. Often you have to mention the problem before you get the mail because they don't even know that something can be done about this. If I would mention, for example, we used to call them suede shoe salesmen--the people who come to your home and do a referral sale and tell you they'll give you a present, and then they sell you a five-hundred dollar something. Which they attach to your house in some way that establishes a mechanic's lien, and you can't get out of the contract.

Well, I would go on a TV program or send out a news release that described how this thing operated, and cautioned the public about it. Then I'd get three-hundred letters saying, oh, this happened to me, or it happened to my daughter, or it happened to a newlywed neighbor.

And then we'd get a whole lot of leads on what the situation was and who's doing it.

Stimulating Law Enforcement

Nelson: But we couldn't do anything about it, really, except to alert consumers. So we tried to stimulate law enforcement. If you can enforce existing law, that's a whole lot better than trying to get a new law. So, I did a good deal of that in the earlier part of my period up there [in Sacramento], especially. Worked in Los Angeles,

Nelson: worked in Contra Costa County, Sacramento. I remember I came down to talk to the police chief in Berkeley because at that time the Berkeley police had a national reputation for excellence. So I talked to him about misleading advertising. And he said, "I've been chief of police here for twelve years and it never occurred to me that I could enforce an advertising law."

One of the ways that we used to increase this local law enforcement was a little mailer, a little sheet we put out periodically in which we pasted up newspaper reports, or mimeographed reports, or newsletter reports, anything about a district attorney in a local police agency that had taken some action. And then we'd send them to all the district attorneys.

Shearer: Oh, the power of positive reinforcement.

Nelson: Yes. I forgot what we called it. Oh, we called it "Crackdown." It was just a little duplicated sheet. It was green, I remember. But anyway, they began to talk about it at their regional meetings and their state meetings and then it became very clear to them: If I would do something [to enforce these laws] I could get my name in "Crackdown." So then they would begin calling us and saying, "Where is that Section so and so?"

And of course it's in the Business and Professions Code, and they know only the Criminal Code! We had a joke around the office that we never gave legal advice except to lawyers.

We did a lot of stimulating of local law enforcement. In the course of that, we worked with the LA police on the TV repair. As the police got to where the case was provable and actionable, the company just moved across the city line, and then they were free and clear. And in Los Angeles County, there are forty-some local jurisdictions. So it became clear to us that you couldn't keep doing all consumer law enforcement at the local level. And "self-regulation" didn't work. The Better Business Bureau in Sacramento had tried self-regulation--it was either the Better Business Bureau or the trade association of TV repairs. They had tried by publicity to read somebody out of the industry because he was not meeting the standards of ethical conduct. And, he turned around and sued them. So, this self-regulating approach wouldn't work, you see.

So, we began to think that we had to have some law that would apply uniformly across the state. The small TV repair [shop] owners were in favor of such legislation, and they worked with us. The reason we took TV repairs first was this kind of good fortune in that industry. The industry was ready to work with us. There was little opposition; we developed enough evidence that you can't handle this at the local level. Existing law doesn't meet it.

Nelson: So I hired a young attorney to do a bit of research on the whole thing, you know, how do we do these things. We did it kind of like an engineering problem. We broke the problem down into its eight or nine facets, and then tried to write a solution to each one of them. And it worked.

We did not have enough support from the automobile repair industry to do it. We prepared a bill for each at the time. But we couldn't get the auto thing through.

Shearer: In every other respect, the situation was the same? Widespread fraud--

Nelson: Right, yes. And bigger money, more money involved, yes. And the criticism then and since then has been: Why did you get so exercised about TV repair when there's all this difficulty in auto repair? Well, it was the wedge. Get it first and test it out and get the problems out of it, and when you've got something to point to [in the law], you can handle auto repair. And eventually it came out that way. They did do the auto repair reform, too, long after I was gone. There's now a pretty good auto repair law.

We got away from the idea that the industry creates a board which regulates its own people. We did not license the individual mechanic, as they do on the real estate board (they license every salesman) but we made the shop owner responsible for his own help.

Shearer: I see. So if he loses his license, then everybody in the shop is out of business. He can't just fire some mechanic.

Nelson: That's right. He can't say, "I fired that guy last week." He's responsible.

The immediate effect of this was first of all, the fraudulent ones that we'd been pursuing in Los Angeles closed up shop. They recognized that the jig was up. And shop owners all over the state immediately began asking the trade association and the trade schools and everybody else for training programs for their employees.

Shearer: Now you're speaking of auto repair?

Nelson: No, I'm speaking of TV repair. Because the law made them accountable. It's the old thing: the person who does the work is the agent of the person who held himself out to do the work. The advertisement is that of the shop, and the shop is responsible. You know, a restaurant can't say, "Well, I'm sorry if you got sick, I fired that cook."

Shearer: Or the waiter.

Nelson: Yes. [laughter]

Shearer: That's an excellent idea.

Achievements in Consumer Credit Legislation

Nelson: It was a contribution I'm proud of because it pointed to the solution to a lot of other problems, the most serious of which was auto repair.

Consumer credit, I've said something about that. Probably we spent more time on that, and more energy and more creativity, and more hard knocks. But we did quite a bit of very substantial good for the citizens of California. One of the valuable things we got was legislation that goes to what the lawyers call holder-in-due course. That is, if a salesman comes to your house and sells something, and he violates fourteen advertising laws while he does it, he misleads you, and you would have cause to cancel the contract, if he were the contracting party. But when you get the contract, or shortly afterward, he's moved out of the picture. He's sold your signature to somebody else, usually a finance company in town. And the finance company has the legal right to collect on the contract, everything you've signed for.

And when you say, "But the salesman told me blah blah blah blah." The finance company says, "It's no concern of mine, I just bought the paper. I didn't tell him to sell you that. I'm blameless. I just bought the paper and the law says you owe it to me."

Well, we eventually got legislation that alters that and makes the person who buys the paper responsible for the promises of the person who did the selling.

In all of these cases—I'll give you one more—we built the responsibility where it ought to hinge legally. You stamp out a lot of irresponsible acts when you fix responsibility.

The other thing we did which I was very pleased about with credit dealings was: the law at the time was that if you buy something on installment and you default on the payment-- [Recapitulation to continue discussion from end of tape 2.] ## It used to be that the seller could repossess the property and still collect every dollar on the installment contract. We got that changed so that the seller has to make a choice. It's his choice, but he has to choose either to repossess the property or to collect on the contract. He can't do both.

Shearer: So that tended to encourage the sellers to investigate whether the person was able to afford—

Nelson: Yes. That stopped a lot of really atrocious selling practices in LA and other parts of the state. High-pressure sales people would push onto a young person, for example, a four- or five-hundred-dollar sewing machine, and then when the [purchaser] couldn't make each payment the sellers take the sewing machine back and still collect the four or five hundred dollars plus 18 percent interest. Now because the sellers are going to have to make a choice, they take the necessary care and responsibility to check whether the person they're selling it to is credit worthy.

This is particularly helpful in sales items like wall-to-wall carpet or upholstered furniture, which very soon after selling become almost worthless to the seller as a product. So he can't anymore come and rip up the carpet and still collect the full amount on the installment. He's got to make a choice.

Shearer: How long did it take you to effect this legislation?

Nelson: Oh, I don't know. Probably four years or more. We were able to get that one through the legislature because we began working with some of the judges who were forced to give these judgments to sellers against the consumer. And they became just nauseated with the practice that was so common. And some of them would tell us when I was down in Los Angeles and some of them wrote to us. They said, "This is something that is terrible; it ought to be corrected." So we were able to get them to come and testify.

Shearer: Whose committee did you testify before?

Nelson: That would be the Judiciary Committee. John Knox^{*} was chairman of that committee for a long time. Another person who was very good and went on to Congress is Jerry Waldie.

Shearer: In what capacity did you work with John Nejedly?

Nelson: When he was district attorney. I think he came into Sacramento the election that I went out.

Shearer: So this could be considered a real success story, the legislation on installment buying?

Nelson: Yes. It did an awful lot of good not only for fair marketing, it does good for the consumer yet, because it prevents them from being so abysmally exploited. But it also does good for the responsible businessman. It destroys or curtails the reprehensible selling practice that a leading department store wouldn't do, but which siphons off business to the irresponsible seller. So it helps our economy as well as the consumer. Because the responsible merchant doesn't have to compete against such irresponsible behavior.

* John Knox was for several years chairman of the Assembly Committee on Municipal and County Government.

Shearer: It's hard to imagine how the industry or business representatives would have been able to oppose such legislation without putting themselves clearly in the camp with the fly-by-nights.

Nelson: Well, they did oppose it, but the honorable ones didn't. And judges are very impressive people to the legislature. And the judges came up [to testify against the unfair installment practices] and said, "Gee, you ought to stop this. You ought to correct this. This is really bad." And they [legislators] couldn't see any identifiable, important statewide group that they were going to offend. So it was good to do.

But that comes after all kinds of press stories and examples of what has been happening.

Raising the Public Consciousness

Shearer: Did you find that as the years went on you had less difficulty presenting your case in the press, that you raised the consciousness of reporters about this?

Nelson: Yes. The press was marvelous and I worked well with them. I never called them for a press conference when I didn't have something to say. I was always straightforward and aboveboard with them and they came to admire me and to recognize that I was not playing games with them as some people do.

The things that we had were good for their news. During my time in Sacramento, they increased the news hour at night to an hour. Now I guess it's an hour and a half. It takes a lot of material to fill up an hour. So I would go to Los Angeles and be on the evening news on all four stations.

Shearer: What a powerful outreach.

Nelson: Yes, it was very powerful. Very powerful. And I did all kinds of thirty-minute interviews with people. Like John Hart, who's now in Washington with ABC. I did all kinds of interviews with him. Last night he was interviewing Ralph Storey on Catalina Island, and I used to do all kinds of things in LA with both of them. And Spencer Michaels who's now on channel 10. They were great.

And I think probably the most important thing I did was teach the people in California that they're consumers and what it means to be a consumer. And that they've got some consumer rights and should have more. It was a tremendous consciousness building job that I did.

Shearer: Do you think that's more important than any one particular victory?

Nelson: Yes. Yes. People got a sense of their importance as consumers. Before that, they were led by advertisers to put themselves down. For example at an AAUW meeting I was talking about how you can't figure out how much food costs with so many absurd package sizes in supermarkets. After the meeting a member said to me, "I'm so glad you said that; oh, I just thought I was dumb. I thought everybody else could do it!" [laughter]

Well, that was the attitude. So when they knew that they weren't personally at fault, they were victims, it really catalyzed their energy to stand up for themselves.

Shearer: How do you think the consumer stands today? What's his position vis-a-vis the big economic forces?

Nelson: The important thing is that there's hardly a person who doesn't know he's a consumer and what that means and that they can be victimized or they can be effective in their own interests. I think people understand that much. And that's a lot. It's a great base for moving forward.

Shearer: How would you tap that? For example, I'm thinking of the biggest of the big: The petroleum industry or the food giants, like Beatrice Foods.

Nelson: It's very difficult. But labor has done it. Labor negotiates with big oil. I can't go any further than to say that the people have to organize around their consumer interests.

Now, that's happening in many ways. The Gray Panthers are essentially a consumer organization. They're nothing but consumers; they're not wage earners. We're getting a higher proportion of our population that are not in the labor force but are in the consumer force. A great many of these people are on welfare, or on pensions, where their incomes are small, but where they've got an awful lot of time to work on it. And the senior citizens now are the most effective consumer organization.

Shearer: Several important consumer organizations and, I gather from what I've read, the consumer movement itself really got its start from California, during your terms in office.

Nelson: Yes, that's right.

Shearer: Was it the Association of California Consumers that grew out of your term?

Nelson: Well, yes. Practically. That's not quite true. It grew out of the conference of labor and consumers that was held at Asilomar in 1958. They set up a steering committee at Asilomar that developed in the next year into the Association of California Consumers. I don't think it would have developed if the office hadn't been created. The first meeting was held at Fresno. I went down and spoke to them.

But it was coincident. I can't say that I was responsible. I certainly did a lot to keep it alive. It's changed its name now to California Federation of Consumers.

Shearer: The list of organizations dealing with consumer issues which is attached to your vita is staggering. Were those all developed since 1960?

Nelson: Well, Consumers Union is much older. Consumers Union (of the U.S.) is forty or more years old. I was on the board of directors for fifteen years. I went on the board while I was on the job in Sacramento. But the other things, like the Consumer Federation of America, which is now ten years old, was created apparently in 1969. No, that's impossible. I guess it was 1968.

Shearer: Then there's the National Consumers Law Center.

Nelson: Yes. That was created probably in the late sixties. It was created during Johnson's administration.

Shearer: There are several Wisconsin organizations, too. The Coordinating Council for Consumer Affairs, the Wisconsin Health Policy Council, which I gather has a decided consumer slant.

Nelson: There are only about two that antedate the period that I was in Sacramento and that's the Consumers Union and the National Consumers League. The National Consumers League is seventy years old or something like that.

Truth in Labeling and Packaging

Shearer: [looking at vita] There was something else I wanted to talk about-- truth in labeling.

Nelson: Yes, I wanted to talk about the labeling and the packaging and the weights. When I was sworn in as consumer counsel, Mildred Brady, who was from Consumers Union, was in the state and she came to my swearing in. I talked to her immediately afterwards. She had been in the consumer movement and I was just moving into it. So I

Nelson: asked her for her advice. She told me, "Get acquainted with the weights and measures men [they were all men at that time] and stay close to them. This is pretty central to the consumer interest."

I followed that advice, and I was fortunate that I did because it came about just about the time the packaging industry was making an assault upon the ancient and honorable principles of full weight and honest measure. [laughter]

Nelson: I haven't mentioned this before, but we made a lot of appearances before administrative agencies: departments that were administering laws and interpreting them and enacting new regulations, such as the Insurance Commission, the Department of Agriculture, Commission on Business and Professional Standards, and so on. One of the early appearances that I made was at a hearing in the Department of Agriculture on a proposal to amend the regulations instructing the sealers how it could be proven legally whether a package was short-weight or not. And to set up a specific ounce or fraction of an ounce tolerance shortage that was permissible in every package. I went to the hearing and one of the items was green peas--half an ounce was the proposed shortage. So I went with a saucer that contained half an ounce of peas just to demonstrate how many peas you wouldn't get. [laughter]

The press took pictures, of course. And it was something that anybody could identify with. And you'd be insulted if you think you're not going to get what the package says you're going to get.

We were always into that fray, and we kept some of the worst things from happening. But some bad things have happened.

Shearer: What bad things have happened?

Nelson: Well, they have adopted tolerances for packages. But you have no way as an individual of finding out whether you're buying a legal package or not. So you have no basis for complaining.

The whole law enforcement thing has moved away from the purchaser into the back room and there's a jockeying between the weights and measures man and the store and the packager. Which is, in my view, very sad.

We also did testimony on the importance of unit pricing or giving the consumer an easy way to compare prices of similar products [in packages of various sizes]. For that, well, we talked at the state level too but we got an opportunity to testify before

Nelson: the Senate, before Senator Hart's committee, on national legislation. Before I went [before the committee] we did a test where we used five college women to go to a supermarket (unidentified) and buy a list, which was given to them, of seventeen different common products (like rice and peanut butter and things like that) and actually make the purchases and bring the purchases to us so that we could evaluate their success in choosing the most economical product. We kept a record of the time they went in and the time they came out.

Well, the outcome of it was that we found that they spent an inordinate amount of time trying, far more than a consumer would give that project. And they failed as often as they succeeded in making a successful price comparison. There were all kinds of fractions and too many packages for that purpose. Even if your mind can do all the calculations to figure out the price per pound on one package, it can't retain all the calculations while you do another and another. If you've got seventeen choices of something, you can't retain that much information in order to compare it.

We squelched a whole lot of canards about consumers who have computers in their heads, which was our purpose at the time. I think we were very influential in bringing about the passage of truth in packaging legislation at the federal level. Though unfortunately it's very weak and needs to be reinforced a great deal.

Shearer: Isn't there still the exception that something manufactured and sold in California need not be--

Nelson: Yes. Sure. You have your own law in California.

Shearer: That's why we still have random weights for cheese produced and sold in California. Do you foresee any refinement in the labeling regulations so that you can get an actual percentage of the various ingredients? For example, you want to restrict sweets in your diet and you pick up a loaf of bread and you see that corn syrup is the fourth ingredient listed. But also listed is molasses. And then dextrose, and then raisin syrup. It would be interesting to know what the total percentage of sugar is.

Nelson: Well, that's going to take an intensive campaign at the national level, the Food and Drug Administration level. And that pressure is mounting. One of the hopeful things is that there is now an informed, educated cadre of people who are professionals in the nutrition field and who are trying to make the marketplace service people so that they can buy nutritious food. And I think they're making headway, very slowly. And it's very sad that we got the HEW now and FDA without a head [referring to recent resignations of HEW's Joseph Califano and FDA's Donald Kennedy].

Nelson: I just heard an interesting thing that Co-op of Berkeley is going to do. They're going to identify their cereals with three different colors: red for heavily sugared, yellow for questionable sugar, and green, as a go signal, for low sugar or no sugar. So that's going to help. Their nutritionists can figure all the molasses and sugar together.

Shearer: Good idea. Perhaps, they could also give the consumer an idea of what proportion actually is the red signal--how much is too much.

Relationship with the Office of the Attorney General

Shearer: You wanted to mention at some point your relationship with the attorney general's office.

Nelson: Yes. The relationships of the Consumer Counsel Office with Attorney General Stanley Mosk's office were most cordial, most cooperative. That was one of the tremendously happy aspects of my days in the Consumer Counsel Office.

We had no law enforcement authority, we had no subpoena power, so we could not get data. It had been proposed initially that we have subpoena power, but that was one of the things the governor had to concede to get the office at all.

On my first visit to Stanley Mosk, I brought up the matter of subpoena power. And he very quietly said, "Use ours."

Shearer: How did you go about doing that?

Nelson: We didn't do it often, we seldom did it. But it was a most welcome response, that he was standing there with his authority to work with. And they did.

He created a consumer fraud division and put Howard Jewel in charge of it. Howard worked with the field man in the Consumer Counsel Office on the TV repair fraud. That was a situation where the attorney general had legal power and we didn't at all. We worked together on that and developed evidence of the tremendous extent of fraud in TV repair.

We worked with the attorney general's staff on land fraud--people who were selling by mail or people who sold desert land in California. We were able by working together to put a damper on that for a while and ultimately to support the real estate commissioner and the insurance commissioner in making very strong regulations about the requirements they have to meet.

Nelson: It's a wonderful thing when you work with the attorney general like that, you develop the hard evidence of abuse.

Shearer: Because that's what he needs.

Nelson: Yes. And that can be used to indicate the need for protecting consumers from that abuse.

Shearer: How was that very generous and helpful response of the attorney general viewed by the other members of the governor's circle?

Nelson: I think they were very happy about it, too. The first year I was there and had only the secretary, I repeatedly sent over to the attorney general a bill and said, "Can you analyze this; what do you think about it." I couldn't analyze them all individually myself and for many of them I didn't have the background and the legal resources to look them up. I didn't have a set of law books, you know. I couldn't see what the bill was amending. And they were just superb. They answered thoroughly. There are many ways to answer a memo, you know. They were careful, and they gave me good information. They really acted as though they were on staff, when I'd ask them, they'd come in and testify.

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Nelson: The attorney general's person would come with me as an expert witness to testify on cases he had examined or investigated. That greatly strengthened our hand with the legislature the first year and built some respect for the office. [laughing]

Shearer: Did you continue to have that good working relationship?

Nelson: Yes, we always had a wonderful relationship with Stanley Mosk and all his people. He was just marvelous.

I remember that at the end of the legislative session I was going to Washington to testify on something and on my way from Sacramento to Washington I wrote a letter of thanks to Stanley. And I mentioned which staff and what they'd done. They seemed to think that was compensation enough. Stanley's got a tremendous sense of public service and he instills it in everyone around him.

The Consumer Bill of Rights

Shearer: We talked a little bit about the impact of the Office of Consumer Counsel on the development of consumer organizations and on the consciousness of the citizens in the state. I think George Brunn

Nelson: also mentioned that there was really national impact, as well, with the idea of the consumer bill of rights, which you and he kind of cooked up one day. Didn't this end up in Kennedy's campaign platform?

Nelson: That's right. I don't remember George in connection to that, but he might have been. I got the feeling after being in office--for not a long time because Fred [Dutton] was still the executive officer--I got the feeling that we were just charging from one thing to another. And that there had to be some kind of guiding principles that we could structure our work under, and structure our program, and structure thinking about the consumer interest. I had worked one session in the legislature. I tried to classify all these causes, how they would go and how you would say them in consumer words.

Anyway, George and I talked. I had worked very closely with George and had consulted him about lots of things. He's a brilliant guy. I drafted those four consumer rights in a memo to the governor, and suggested that particularly he, too, had had a hard time. He had made good on his promise to create the office, and he needed some sort of handle to say it simply and forcefully. And I thought this might help him. So I sent it to him.

The response I got back, not directly, but relayed orally, was that he thought it was very good, but he didn't feel that he could handle it. It would be better if I used it or something. He just didn't feel comfortable with it. And I could see that. He had too much to do with the water thing, the education thing. So it languished as far as the office was concerned.

And then Kennedy got elected in '60. And Fred was with him and Fred became his secretary of the cabinet. Kennedy had made a commitment about two days before the election to do something about the consumer. Fred was supposed to figure out how. And so Fred not too long after began to gather material which he could use to shape up the Kennedy consumer program.

When Fred asked I sent him a pile of materials and included that. Anyway, Kennedy was new and fresh and making good on his commitment, he sent Congress a consumer message--the first ever. It enunciated the four consumer rights I had written. I was very pleased.

Shearer: Do you think the work's been carried on?

Nelson: I don't think it's being carried on as well as it should be. I think there's a lot of good things happening. But it's always an uneven struggle.

The Challenge to Women in State Government

Shearer: Was your being a woman a hindrance?

Nelson: No, no.

Shearer: In spite of the fact that you had to use the ladies' room?

Nelson: Well, I don't know, it was probably a help [to be a woman], in that the legislators had to be kind of publicly polite.

Shearer: You mean in self-defense of their images as gentlemen?

Nelson: Yes. They were more restrained in abusing a woman witness than a man witness. That was a benefit. I think that a lot of the citizenry identified with me because I was the same as all the other women.

The handicap to it is that you can't go to the men's room, for one thing. You can't be one of the boys, and that was a real handicap. Many of the legislators criticized me very much for being stand-offish. Where was I, hiding over here in the corner? I was never there. I didn't play poker or make the bar. I didn't at all.

Shearer: You were living in Sacramento then. You could have gone to cocktail parties with lobbyists.

Nelson: I would go to lunch with lobbyists. But the legislators develop social groups and that's also the way a lot of public things start among administrative people, when they get together. I never did them, and I was criticized for it.

Shearer: But you were invited?

Nelson: Well, you're not really invited to those things. You're just there when they begin. You know, you're in the bar at the Senator Hotel at the cocktail hour, and they invite you to join in a game of poker later.

Shearer: How could you resist!

Nelson: And I was told again and again by all kinds of people that that was hurting me. I just had to let it hurt me, because I couldn't do it. First of all, I was putting out an enormous amount of energy in all other ways, and I didn't want to spend my energy in that way. And I'm not comfortable with that sort of thing.

Shearer: Did you do political entertaining at all?

Nelson: No, I couldn't. I just couldn't. I was spending so much energy running around giving speeches and doing TV things and developing solutions. And I had a home with my husband.

Shearer: Did you have a housekeeper or someone to help you?

Nelson: Yes. That was a great thing. She was there every day, Monday to Friday. She did all kinds of things--vacuuming, the laundry...

We had people stay at our home, from the Co-op for example. Some of the people who came up from Berkeley to testify, we would get together with other supporters. I did that kind of thing.

We had one episode early in the administration. The governor had a monthly governor's council. This was a public meeting in the governor's chambers. The press would all come. When it was over, all the members of the governor's council--and I was a member--would convene at the Sutter Club for lunch. (And women were not allowed at the Sutter Club.) And the governor just forgot about that. I thought maybe they had made arrangements with the Sutter Club, for myself and that they would let me in. But I was really kind of hurt when after walking over alone I was coldly denied admittance by the majordomo. The governor's council had to move its lunches to a hotel thereafter, which didn't do me any good with all the male members who greatly preferred the club.

Shearer: Can you now go to the Sutter Club?

Nelson: I think now you can. I'm not sure, but I would expect so.

Managing Marriage and Career

Shearer: It must have been a challenge to manage two high-powered careers in your marriage. How did you manage to pull that off?

Nelson: Yes, it was. We, among a lot of other things, we lived close in, between the airport and the Capitol. [laughing] And Nathan was very, very good to me. He was traveling the state and during that last couple of years, he was writing a book. It was kind of rough. But we tried very hard to make things work. We had a lot of lunches together; that was another thing. About once a week we lunched with a couple of his friends and laughed a lot together. They were very witty.

Shearer: Not many married couples have lunch together.

Nelson: Yes, I guess that's right. We tried to have one day of the weekend for each other and we took quiet vacations, mostly out of state.

[tape fadeout; tape stopped and restarted]

Shearer: What happened after Brown's defeat in 1966?

Nelson: By that time, Elizabeth (Smith Gatov) was Democratic committee-woman for northern California, I believe. She had sponsored my application, or she had taken my application to Governor Brown. After our defeat in '66, I thought it was important to stay in the office from early November until January to keep the office visible, because Reagan had campaigned against it. If I vacated it, as most appointees were doing after we lost the election, it would be so much easier for him to quietly never appoint anybody and let it drop from sight. So I consulted Libby about this, and she said that if I felt that I could stand it, of course it would be a good thing! [laughing] So I stayed in the office, and I had a staff by that time, you know. It was a sorry period. But I kept talking through the press, I kept making myself seen and heard so that the people could not lose sight of the office. When I left, he'd have to send me. And he did, on New Year's Eve. [laughing]

Shearer: New Year's Eve.

Nelson: New Year's Eve. He took the oath of office at one minute past midnight. And he sent a couple of men in with a letter that they dropped in front of me like this [gestures, laughing], at about five o'clock on that day.

There was security on the Capitol at that time because of the preparations for the inaugural show. I was moving my personal stuff out of the office, and we kept going back and forth in the corridor. They were moving in while I was moving out.

Shearer: And what were they moving in?

Nelson: Oh, all kinds of things. Their records and files, and the governor's personal stuff. You always have a lot of that stuff. I had a potted plant.

Shearer: So Reagan presented you with a letter asking for your immediate resignation.

Nelson: Yes. Immediate resignation. His press people probably expected that on New Year's Eve my dismissal couldn't get any attention. But it certainly did. We saw that it did. [Staying] had met my objective. The vacant office was sufficiently in the public eye that he didn't dare close it down.

Shearer: What was his solution?

Nelson: Oh, he appointed the Republican chairwoman of Contra Costa County,* who was qualified by having six children and a husband. She commuted from Contra Costa County. It was a boondoggle. I didn't mean to say that, but--

She got rather interested in the job after a while. You couldn't stay around it without getting some sense of the atrocities that were going on.

Shearer: Did she have your staff?

Nelson: Very briefly. They were fired within a few weeks. The state provides training, and then they fire you. Nobody was left but the secretary. She started over with just the two of them. But he never closed the office. We at least made that point.

Shearer: It's important to have that door open. You can always get somebody effective in.

Nelson: Yes. And she began to get a feel for doing something after a while. She said all the things about "Business is a consumer's best friend" to start out with. She didn't start out with a very aggressive program. She was going to educate the consumers, primarily, and help business. A very colonial attitude. [laughing] But she got some sense of the consumer eventually.

Shearer: Thank you very much.

* Mrs. Kay Valory

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The Credit Union Magazine, December, 1963

Consumer Credit uses and abuses

A NEW CHALLENGE TO CREDIT UNIONS

By Mrs. Helen Nelson, Consumer Counsel to the Governor of California

WHEN MR. FILENE urged the creation of member-owned credit organizations to lend money to their own people, he did so because for most working people it was difficult, almost impossible, to obtain credit. Today the situation is quite different.

Credit unions have grown and prospered in an era of competition from many types of credit extenders. In California, for instance, we have banks, finance companies (which we call personal property brokers), industrial loan companies (which in many states are known as small loan companies) and the various retail extenders of credit — retail stores, auto dealers and auto sales finance companies. Others are seeking to enter the field of consumer credit: our state legislature has before it at the present time demands from the savings and loan associations and the insurance industry that they be permitted to enter the lucrative field of consumer loans.

Today we have a situation of "too much of a good thing". Nowadays the consumer who wishes to buy on

credit is the one who gets the warm handshake; it is the cash customer who gets the cold shoulder. We are concerned now not with extending the use of credit, but with problems of over-extension of credit and the abuse of credit.

The abuse of credit—by those who extend it and those who use it—can be measured by a new phenomenon on the American economic scene, the climbing rate of consumer bankruptcies. In 1946, the year following the end of World War II, the total number of bankruptcies for the nation was a little over 10,000. Four years later, by 1950, the number of bankruptcies had risen to 33,392—it had tripled in just four years—and 75 per cent of the bankrupts were wage earners. Ten years later, in the fiscal year ending June 1960, the number of bankruptcies had again tripled, reaching 110,000—88 out of every 100 were family bankruptcies. Last year, the number of bankruptcies reached 147,780. And nine out of ten were families.

One would think that disturbing

evidence of this order with its economic and social implications would have set alarm bells ringing across the country. A fourteen-fold increase in bankruptcy in 16 years is, one would think, a symptom demanding national attention and study. During this same period the growth of juvenile delinquency and the increase in bank robberies made headlines and spurred the formation of national study commissions and conferences of government officials.

But no such attention has been focused on the problem of consumer bankruptcies. There exists today only fragments of documented or researched information on the causes and effects of consumer bankruptcy. The only tangible nationwide result has been the birth and growth of a new industry, the debt proraters who are helping debt-ridden families stay out of the bankruptcy courts, but at the cost of incurring yet one more debt, the prorater's fee which, in California, can lawfully amount to 12 per cent of the total of the debts prorated.

Although a body of reliable lit-

"You can put a hook in almost any proposition"

this fool from himself? If he travels with money, what can we do?"

But eventually enough people came to see that commerce and industry could not develop unless money, the instrument of commerce, could be freely and safely exchanged. We hired people to enforce laws against robbery. No doubt enforcement was spotty at first but eventually developed to the point where we all now expect police protection from robbery.

When the American West was opened, we went through a similar development. Again there was no organized law enforcement and the individual had to protect himself—usually by strapping on a six-shooter and practicing the fast draw. Wells Fargo hired its own guards to ride the stages that carried the gold entrusted to its keeping.

But this didn't last very long either. We began by calling in U.S. marshals, then by giving the marshals staffs of deputies. Today our law enforcement against bank robbery is formalized and extensive. We have codes of laws defining crime and its punishment. We need to modernize these to take account of "white collar crimes" that are being committed against consumers.

Referral selling. One such crime goes under the euphemistic title of "referral selling". It is not selling. It is a bunco racket. Law enforcement officers call it the "money pitch." Briefly, it is the tactic whereby the consumer is induced to sign an instalment contract on the pretext that he will earn money by referring to the seller the names of prospective customers. The consumer is lead to believe that he is signing not a contract for goods but a contract to earn money by means of a so-called selling plan. This is what makes it deceptive and fraudulent.

District attorneys in California and attorney-generals of many states are outspoken against this vicious practice. Two years ago we went before our state legislature, seeking to outlaw the practice.

Other states have tried to stamp out this ugly fraud, Ohio, Minnesota, Oklahoma, and Colorado among them. Until it is legally defined as what it is—a fraud and deception—and outlawed, consumers will continue to be shanghaied into unplanned debts of several hundred or several thousand dollars.

Health and dance studio rackets. Another consumer bunco masquerading under the guise of legitimate business is the health and dance studio racket. There are many health and dance studio operators who render services in a fair and legitimate manner, giving consumers value for their money. Ethical operators of these legitimate businesses suffer also, along with consumers, from the effects of the unscrupulous operators.

Those who are content to have these bunco artists in our midst tell us constantly that legislation cannot be enacted to protect the gullible from their gullibility. We say there is a distinct difference between legitimate selling and outright deception and this distinction must be drawn and enforced.

A professor of marketing at the University of Southern California, Dr. Charles M. Whitlow, has said: "Selling may be based on appeals to rationality or it may be overwhelmingly emotional. This is where the problem arises. The customer may be swayed by emotional factors, skillfully manipulated by the salesperson. You see perfectly normal and rational people, not simply the highly emotional persons, fall for this. . . . It is possible to put a 'hook' into almost any proposition."

For example, senior citizens are particularly apt to be victimized by dance studio buncos. One infamous example came to light not long ago when it was revealed that a dance studio had conned an 80-year-old woman into signing a contract for several thousand dollars worth of dance lessons.

In areas of legitimate commerce, we must define the consumer's fair

legal rights.

Too often, the legally-established relationship between the consumer's rights and the seller's rights is grossly unfair to the consumer. It is possible today for a consumer bunco artist or organization without any established place of business to roam the cities and suburbs, conning consumers into signing conditional sales contracts for hundreds or even thousands of dollars and then, without any accountability for keeping his part of the bargain, to sell the contract and disappear. Even where the seller is guilty of gross abuse, he may assign the contract to a finance company and the buyer may have to pay every instalment even though the finance company knows of the abuse. The law's countenancing of such practices is an open invitation to white-collar crime. Easy salability of "paper" and the legal right of the bank or finance company to exact full payment from the victimized consumer creates limitless opportunity for the white-collar crook to prey upon consumers.

Every time one of us signs on the dotted line for credit, we enter into a contract. Our rights and obligations and the other person's rights and obligations are determined by the terms of that contract and also by how that contract is viewed by the laws of the state where it is signed.

Credit unions, dedicated to advancing their members' well-being, must begin to participate in making these laws.

Charge accounts. The everyday credit purchase is not without its pitfalls for consumers. Consider revolving charge accounts. On everyday purchases charged on these accounts California law permits retailers to charge 1½ per cent a month service charge, or 18 per cent per year. Few consumers are aware that this "small service charge" is half again as much as a credit union could charge them for a loan.

Disguising the true cost of this credit charge constitutes an abuse in my book. But far more serious is

The price of credit is as important as the price of goods

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the abuse arising from the deliberate misinterpretation of the term "outstanding balance" against which the credit charge is levied. California law as it is presently worded permits the 18 per cent per annum rate to be imposed on a balance outstanding for 15 days, 10 days or even less. And there are plenty of instances where this imposition has been made.

Auto buying. The consumer's rights when he buys a car are fewer and weaker than when he makes other credit purchases—at least in California. Our laws on repossession and deficiency judgments have been particularly onerous.

Credit charges on auto purchases are a major source of confusion for consumers. Rare is the auto buyer who has any clear idea of the rate of the charges he is paying on his auto contract. When researchers at the University of California made a study of auto credit buyers, they dis-

covered that very few knew how much they were paying in terms of simple annual interest. Of 105 families in the San Francisco Bay Area, about a third thought they knew and the majority of them thought they were paying 5 or 6 per cent. Actually, most of them were paying between 12 and 33 per cent.

Home buying. Consumers, at least in California, spend more money on automobiles and their financing than on any other item they buy, but the largest single debt commitment they make is for a home purchase. Few consumers understand the size of the debt they are undertaking when they sign the papers to buy a home. Few of them are trained to navigate the rocky shoals that will mark the course of their home purchase transaction. Consumers shopping for homes in the \$15,000 bracket do not realize that by the time they pay off their home loan they will have paid close to \$30,000. If you were to tell them at the outset that they are buying a \$30,000 home, they would cry "that's way out of our class."

The full facts about mortgage rates, charges and fees are not made available to consumers in terms they understand and can use for comparing credit charges. It is almost impossible for the typical young couple to shop rationally and wisely for credit in purchasing a home. And yet this absence of information may have a lifetime effect on their children. Consider that in the purchase of a \$15,000 home, the difference between financing that purchase at 6 per cent versus 7 per cent — a difference of only one percentage point — may, over the life of the loan, be \$3,500, or almost enough to send \$100 a month to a child in college during a four-year course. In other words, a difference of just one percentage point in a home loan may make the difference between a child's getting a college education and not getting one.

True cost of credit. Of all credit abuses rampant across the country, gravest in its effect upon all consumers is this deliberate withhold-

ing of the most important information consumers need to know—the price of credit. The battle to secure a "truth in lending" law has been fought in Washington, D. C. for three years. Here in California three separate bills were introduced in the Assembly and Senate to require finance charges to be expressed in comparable rates—that is, in terms of simple annual interest. All three bills went down to defeat.

The fierceness of the continuing battle nationally and on the state level to prevent this law from coming into existence is the most convincing proof that this is the fortress of credit abuse. No other piece of credit legislation has been fought against so hard by so many retailers and financial institutions.

If credit unions were to select one target, one goal to achieve on behalf of their members and all consumers, they could render no greater service than to marshal their forces to win legislation that would enable consumers to know the price of credit.

Consumers have as much need and right to know the price of credit as to know the price of goods. Almost all the goods we buy today, with the possible exception of food and drugs, is purchased on credit. A price of credit—or truth in lending—law is, therefore, basic in our lives today. We might just as well go out hunting a job without a right to ask the salary or wage rate as to go out shopping for credit without being able to learn the rate.

I want to salute the California Credit Union League for recognizing this basic need. California consumers acknowledge with great gratitude the League's staunch support of the Administration's bill which was carried by Assemblyman Charles Warren of Los Angeles in this current legislative session. The League not only made a formal representation on behalf of this proposal to the Legislative committee considering the bill, but devoted hours to discussing with committee members the importance of the measure.

I am sure there is no need to explain to the knowledgeable reader why, in spite of the efforts by the League and many other statewide consumer organizations, the price-of-

Consumers hungry for information

credit proposal did not live long enough to get onto the floor of the Legislature.

To illustrate the importance of knowing finance rates, our office made a chart showing the cost of credit charges to an average family that made four relatively common credit commitments on which the credit cost was computed at the maximum rates allowable under California law. This is what we found:

If a family . . .

Bought a refrigerator priced at \$250 on a conditional sales contract with 18 months to pay¹

Charged clothing and household goods totalling \$250 on their department store revolving account and paid in 12 months²

Made an emergency loan of \$300 to be paid back in 12 months³

Financed a used car priced at \$1,500 on 24 monthly payments⁴

the cost of credit on these four commitments would be \$467 at the maximum lawful rates allowable in California. Credit life insurance, charges for late payments, etc., would bring the cost higher. This credit cost of \$467 is almost a whole month's "spendable earnings" for a California family of four with a median income.⁵

The transactions described would be considered a modest level of credit commitment by many families. Yet, any family whose use of credit ran along at this level would be committing themselves to an annual expenditure of \$275 just in

credit charges alone. For a California family of four with a median income, this figure of \$275 approaches 5 per cent (4.7 per cent) of their annual spendable earnings.

If you were a family financial counselor, you would certainly urge a family to shop very carefully to see if they could not make the four purchases described at a lower rate of credit. But how can a family shop for credit intelligently when the credit rates—if they are quoted at all—are quoted in any manner that makes comparison next to impossible?

How many members of your credit union are right now making credit commitments of the type I have described — buying clothing and household goods on their revolving charge account and paying 18 per cent simple annual interest, or buying a refrigerator on the installment plan and paying 18-plus per cent simple annual interest? How many members of your credit union *know*, if they are making such purchases through regular retail channels, that they are paying these rates?

Knowledge — information — is the most important tool we can put into the hands of consumers.

The California Credit Union League last year launched a family financial counseling program to do just that. My office has distributed over 650,000 copies of a little folder entitled *Credit Costs Money* which tries very briefly to give consumers some facts about credit and the meaning of the various ways credit terms are expressed. And it has been reprinted to reach many times that many.

Consumers are hungry for information, for clues to why in this land of prosperity where personal income is up to a record high, things aren't as rosy, as secure, as comfortable as the propaganda has told them it should be. "Easy credit" — which should have smoothed the path to their ownership of all the lovely items they ever thought they wanted — has led too often to tension and worry.

Consumers need to be shown

that there is a way to secure the good things of life without ransoming their earnings for the rest of their working life. They are hungry for leaders who will sound a note of sanity in the pandemonium of credit-buying.

They need to be told the extent to which business is in government and government is in their lives making the rules that govern so many of the conditions of their buying. The *California Parent Teacher Magazine* in its January issue published a most provocative article, a reprint from the publication, *The Machinist*. The article, headed "Politics is our Business" tells how politics and politicians decide the speed you drive, the taxes you pay, the floor under your wages, the schooling of your children, the value of your money and the interest you pay.

Consumers need to know that credit unions exist and exist to serve their members' economic well being.

So to credit union leaders, I say:

Don't hide your light—shine it out. Use your unique situation and qualifications to promote information and education. Let us bear in mind that as a society we are untrained in the skill of consumption management. Our training in our schools and on the job has been directed to perfecting the skills needed for earning money. We are only now—and slowly—coming to realize that we also need training to develop skills for the wise spending of money.

Just as we have trained our young people to use the tools developed in this technological age—the computers and scientific instruments—we must begin training them to use the tool, credit. I have frequently likened credit to a power saw: in the hands of an informed user it can fashion many enjoyable and useful things, but in the hands of an uninformed user it can lead to disaster.

Credit unions are in a unique position to inform and educate their members and thus contribute greatly to increasing their economic well being.

Credit unions are also uniquely

¹Maximum lawful credit rate on retail instalment contracts 5/6 of 1% per month on purchases to \$1,000.

²Maximum lawful credit rate on revolving charge accounts 1½% per month to \$1,000.

³Maximum lawful credit rate by personal property broker 2½% per month to \$200; 2% per month \$200-\$500.

⁴Maximum lawful credit rate on instalment sales of automobiles 1% per month.

⁵Median income for California families of \$6,726—or \$560 a month—was derived from 1960 Census figures by the Division of Labor Statistics and Research, California Department of Industrial Relations. After State and Federal income and withholding taxes and social security deductions, a family of four has spendable income of \$483.45, assuming standard deductions.

equipped to help make the rules of credit buying fair to both consumer and seller. Too often today the bargaining power between consumer and seller is unequal. Too often the consumer is in no position to bargain at all. We must make sure that the rules that govern the extension of credit give the consumer equal status with the seller. If the consumer willfully violates the credit contract and the law sets forth penalties or remedies which the seller may obtain, then we must make sure that if the seller wilfully violates the contract, the consumer has an equal amount of protection.

As it is now, even when the seller wilfully violates the law but has assigned the contract to a third party, the consumer all too often must continue to pay the third party. This is an unfair imbalance of rights between consumer and seller, and we must seek to remedy it.

These rules are made by people in government. You can serve your members by giving support to those men in the legislature who

are trying to make the rules fair to both the credit buyer and the credit seller.

We must also work together to update our law enforcement. We have a new breed of criminal today—the white-collar crook who robs his victims not with a gun, but with a fountain pen. The old-fashioned thief who stole a family's life savings is no more reprehensible than the new type of crook who fraudulently signs a couple to an instalment contract and then sues to gain possession of the home when the contract terms cannot be met. We need to modernize our law enforcement so that the fountain pen bandits, the bunco artists and the false advertisers are policed as actively and effectively as the bad check artists, the burglars and the bank bandits.

Yes, what I am saying to you is: Get active in politics. Politics vitally affects your members.

The decades that have passed since credit unions came into being have brought profound changes. You can no longer justify your credit union because it is a source

of consumer credit. We have sources of consumer credit on every side today. A wide variety of credit extenders now beseege and beguile the consumer to avail himself of credit.

What differentiates credit unions from all these other extenders of credit is motive. With all the others the motive is profit. With credit unions the motive is service. It is inspiring to note that the assets of organizations devoted to the ideal of service can reach—and has reached—the enviable total of \$7 billion.

Today presents to credit unions a challenge to renew the motivation that gave you birth and brought you to your present peak of prosperity—the motivation to serve your members.

Serve your members according to their present needs and increase their economic well being. In increasing the economic well-being of your members you will be helping all consumers, and, as spokesman for 17½ million of them, I can say we will be profoundly grateful to you. END

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Amelia R. Fry

Graduated from the University of Oklahoma, B.A. in psychology and English, M.A. in educational psychology and English, University of Illinois; additional work, University of Chicago, California State University at Hayward.

Instructor, freshman English at University of Illinois and at Hiram College. Reporter, suburban daily newspaper, 1966-67.

Interviewer, Regional Oral History Office, 1959--; conducted interview series on University history, woman suffrage, the history of conservation and forestry, public administration and politics. Director, Earl Warren Era Oral History Project, documenting governmental/political history of California 1925-1953; director, Goodwin Knight-Edmund G. Brown Era Project.

Author of articles in professional and popular journals; instructor, summer Oral History Institute, University of Vermont, 1975, 1976, and oral history workshops for Oral History Association and historical agencies; consultant to other oral history projects; oral history editor, Journal of Library History, 1969-1974; secretary, the Oral History Association, 1970-1973.

Eleanor K. Glaser

Raised and educated in the Middle West. During World War II, spent two years in the U.S. Marine Corps Women's Reserve.

Senior year of college was taken in New Zealand, consequently A.B. degree in sociology from University of Michigan was granted in absentia. Study in New Zealand was followed by a year in Sydney, Australia, working for Caltex Oil Company.

Work experience includes such non-profit organizations as Community Service Society, New York City; National Society for Crippled Children and Adults and National Congress of Parents and Teachers in Chicago.

After moving to California in 1966, joined the staff of a local weekly newspaper, did volunteer publicity for the Judah Magnes Museum and the Moraga Historical Society, and was the Bay Area correspondent for a national weekly newspaper. Also served as a history docent for the Oakland Museum.

Additional travel includes Great Britain, Europe, Israel, Mexico, and the Far East.

JULIE GORDON SHEARER

B.A., Stanford University, 1962, with major in political science.

Reporter and Feature Editor, Mill Valley Record (Ca.) 1962-1963.

Editor and Feature Writer, University of California, Berkeley, for Agricultural Extension (1963-1966) and Center for Research and Development in Higher Education (1967-1976).

Consultant, University of California School of Criminology, evaluating North Richmond Newspaper Community Action Project, 1965.

Interviewer-Editor for Regional Oral History Office, 1978 to the present, concentrating on California political history.



